



BENCH BOOK

FOR PROMOTING ACCESS TO JUSTICE

FOR PERSONS WITH INTELLECTUAL

AND/OR PSYCHOSOCIAL DISABILITIES

PORTUGAL

This Disability Bench Book was developed by FENACERCI – Federação Nacional de Cooperativas de Solidariedade Social within the project “Enabling Inclusion and Access to Justice for Defendants with Intellectual and Psychosocial Disabilities” (ENABLE – 101056701 – JUST-2021-JACC). The project seeks to promote access to justice and fairer criminal proceedings for defendants with intellectual and psychosocial disabilities in 8 EU countries¹.

Authors:

Patrícia Neca

Research Team:

Patrícia Neca, Sara Gésero Neto

Contacts in Portugal:

FENACERCI

Rua Augusto Macedo, 2 A * 1600-794 Lisboa

Correio eletrónico: fenacerci@fenacerci.pt

Project contacts:

Validity Foundation – Mental Disability Advocacy Centre

Impact Hub, Milestone Institute

Budapest, Wesselényi utca 17.

1053 Budapest, Hungary

E-mail: validity@validity.ngo

Publication date:

August, 2024

Grant Information:

ENABLE – 101056701



¹ <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/>

Acknowledgments:

As part of the ENABLE project, a national Working Group was set up, made up of representatives from different organisations, which discussed access to justice for persons with disabilities and collected contributions that have enriched and adapted this Bench Book to the Portuguese reality.

FENACERCI would like to thank the following organisations for their valuable contributions and participation in the ENABLE project: ADEB - Associação de Apoio a Doentes Depressivos e Bipolares; CERCI Lisboa; Representative of the Training Centre of the Directorate General for the Administration of Justice; FNERDM - Federação Nacional de Entidades de Reabilitação de Doentes Mentais; GNR - Guarda Nacional Republicana; IGAI - Inspeção-Geral da Administração Interna; Ordem dos Advogados; Ordem dos Psicólogos; PSP - Polícia de Segurança Pública; and PGR - Procuradoria-Geral da República. It is also important to thank the judges and persons with intellectual and psychosocial disabilities who accompanied the work, as well as the Superior Council of the Judiciary, which readily agreed to publicise the project at an early stage.



**Co-funded by
the European Union**

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

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CAN TALK TO THE DEFENDANT IN A LESS
FORMAL AND CLOSER WAY, AND CAN
UNDERSTAND, EXPLAIN AND TRY TO
NORMALISE THE SITUATION."**

[LAWYER]



01

ABOUT THE BENCH BOOK

01. Introduction

1.1. Background

Persons with disabilities may face greater difficulties in accessing the justice system — as victims, witnesses or defendants — and also in interacting with the different criminal justice actors (CJAs). While there is evidence that persons with disabilities are four to ten times more likely to suffer abuse (including sexual abuse) than persons without disabilities², persons with persons with intellectual and/or psychosocial disabilities — especially those who are placed in institutionalised settings (e.g. residential care and hospitalisation)³ — face significant exclusion in court proceedings and violations of their fair trial rights⁴. Some of the systemic challenges faced by persons with intellectual and/or psychosocial disabilities taking part in legal proceedings in the European Union (EU)⁵ relate to: outdated legislation that does not recognise their legal capacity, the lack of mechanisms to identify support needs in a timely manner so that the necessary accommodations can be provided to access information and communicate, the absence of procedural accommodations, difficulties in accessing legal aid, attitudinal barriers on the part of legal professionals and a lack of specialisation and adequate training in this area⁶.

The United Nations Convention on the Rights of Persons with Disabilities⁷ (CRPD), which has been ratified by the European Union⁸ and all its Member States without

² Disability Justice Resource Center - *Abuse and Exploitation of People with Developmental Disabilities*: <https://disabilityjustice.org/justice-denied/abuse-and-exploitation/>

³ Amelink, Q., Roozen, S., Leistikow, I., & Weenink, J. W. (2021). Sexual abuse of people with intellectual disabilities in residential settings: a 3-year analysis of incidents reported to the Dutch Health and Youth Care Inspectorate. *BMJ open*, 11(12), e053317. <https://doi.org/10.1136/bmjopen-2021-053317>

⁴ Smith, T. (Ed.). (2023). *Autism and Criminal Justice: The Experience of Suspects, Defendants and Offenders in England and Wales*. Routledge.

⁵ International Synthesis Report. Available at: <https://validity.ngo/wp-content/uploads/2024/08/Executive-Summary-International-Synthesis-Report.pdf>

⁶ International Synthesis Report (section detailing the weak capabilities of the CJSP in the field). Available at: <https://validity.ngo/wp-content/uploads/2024/08/Executive-Summary-International-Synthesis-Report.pdf>

⁷ Convention on the Rights of Persons with Disabilities: Resolution adopted by the General Assembly on 13 December 2006, A/RES/61/106, 24 January 2007: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_61_106.pdf

⁸ The European Union ratified the CRPD on 23 December 2010.

reservation⁹, imposes significant obligations on States to identify and eliminate barriers and take proactive and systemic measures to ensure that all persons with disabilities have equal access to justice.

However, while EU directives¹⁰ and the Member States' legal frameworks recognise the need to support access to justice for persons with sensory or physical disabilities, legislation still fails to address the specific needs and barriers faced by persons with intellectual and/or psychosocial disabilities¹¹. This is despite the fact that other vulnerable groups, such as minors or victims of domestic or sexual violence, very often have access to the same type of measures throughout the criminal proceedings. As for the few countries that have created support mechanisms, the measures only include persons with intellectual and/or psychosocial disabilities who participate in the legal proceedings as victims, leaving out other participants.¹² There are also countries that have moved forward with the regulation of some extremely important services, enabling CJAs to resort to a *facilitator/intermediary* who assesses the support needs of the participants, makes the necessary accommodations¹³ or uses procedural documents written in an accessible format¹⁴.

⁹ With a few exceptions mentioned in:

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en

¹⁰ Directive on the right to interpretation and translation in criminal proceedings (2010/64/EU); Directive on the right to information in criminal proceedings (2012/13/EU); Directive on the right of access to a lawyer in criminal proceedings (2013/48/EU); Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (2016/343/EU); Directive on legal aid for suspects and accused persons in criminal proceedings (2016/1919/EU); Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings (2016/800/EU)

¹¹ For example, Directive 2010/64/EU on the right to interpretation and translation guarantees the right to a foreign language interpreter and assistance for persons with hearing or speech disabilities in criminal proceedings. Cognitive barriers — difficulties in understanding procedures and providing accommodations — are not addressed. Similarly, Directive 2012/13/EU on the right to information in criminal proceedings ensures that defendants with hearing or speech disabilities have access to information regarding their rights, charges, and procedural materials. The directive also does not require that this information be accessible to defendants with cognitive barriers.

¹² International Synthesis Report. Available at: <https://validity.ngo/wp-content/uploads/2024/08/Executive-Summary-International-Synthesis-Report.pdf>

¹³ ENABLE Project — Spain Report (2023, p. 29). Available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-briefing-papers/>

¹⁴ ENABLE Project — Lithuania Report (2023, p. 9). Available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-briefing-papers/>

Despite some of the barriers mentioned, it is evident that many CJAs in the eight countries participating in the ENABLE project — Bulgaria, Czechia, Lithuania, Portugal, Romania, Slovakia, Spain and Slovenia — offer certain accommodations for participants in criminal proceedings with intellectual and/or psychosocial disabilities, including defendants. Despite the absence of legislation and the necessary national regulations, many CJAs use simple, easy-to-understand language or speak at a slower pace to allow the information to be processed. Equally important, CJAs collaborate with non-governmental organisations specialised in assessing accommodation needs and enable family members, professionals from disability organisations, carers or other relative persons to support persons with intellectual and/or psychosocial disabilities throughout the criminal proceedings.

This Bench Book aims to inform CJAs and other relevant stakeholders in Portugal on how to ensure the effective participation of defendants with intellectual and/or psychosocial disabilities in criminal proceedings. Although the contexts in the eight countries of the consortium mentioned above were analysed, the proposed solutions are based on the relevant international standards and good practices collected worldwide.

1.2. Who is this Bench Book for?

This Bench Book is intended for judges, prosecutors, lawyers, members of the security forces¹⁵, and other professionals, including psychologists, technicians from the Directorate-General of Reintegration and Prison Services, bailiffs and public prosecution officials, or others (referred to as "*criminal justice actors*") who work on criminal cases involving defendants with intellectual and/or psychosocial disabilities.

Although the focus of this Bench Book is on defendants within the criminal justice context, the principles, standards and recommendations proposed here can be applicable to other participants in criminal proceedings with the same type of disability,

¹⁵ In the criminal field, the term "Law Enforcement Agencies" (LEAs) is typically used to refer to entities that cooperate with judicial authorities in criminal investigations, including the Portuguese Criminal Investigation Police (PJ), the Portuguese Public Security Police (PSP), and the Portuguese National Republican Guard (GNR). However, for simplicity, this Bench Book uses the term "members of the security forces" while still intending to encompass all LEAs involved in criminal proceedings. The aim is for the content of this Bench Book to be applicable across all areas of justice.

including victims and witnesses, as well as in wider contexts, including civil proceedings.

1.3. How to use this Bench Book?

This document aims to guide Criminal Justice Actors in Portugal in their work on cases involving persons with intellectual and/or psychosocial disabilities, who due to the multiple barriers they face — legal, environmental, regarding access to information, and attitudinal — may need accommodations to ensure their effective access to justice on an equal basis with others.

Some practical tools are provided to overcome systemic barriers, enabling defendants with intellectual and/or psychosocial disabilities to participate in proceedings on an equal basis.

1.4. Bench Book Overview

This document is organised as follows:

Chapter 2 — *Rights of Persons with Disabilities: International and European Union Legal Framework*: summarises the main rights and safeguards to guarantee due process for defendants with disabilities.

Chapter 3 — *Persons with intellectual and/or psychosocial disabilities and the justice system in Portugal*: provides an overview of the barriers faced by people with disabilities in exercising their right of access to justice, including as defendants.

Chapter 4 — *Implementation of the procedural rights of defendants with disabilities*: identifies practical tools that enable defendants with intellectual and/or psychosocial disabilities to overcome some of these barriers, including the identification of support measures, the provision of procedural accommodations and information in accessible formats, among others.

The document also contains a few annexes:

Annex 1 — Information on the different types of disability and some of the most common accommodations to be made available;

Annex 2 — Steps for making accommodations available in criminal proceedings;

Annex 3 — Checklist for criminal justice professionals working with defendants with intellectual and/or psychosocial disabilities in criminal proceedings;

Annex 4 — Directory of Non-Governmental Organisations of Persons with Disabilities;

Annex 5 — Additional resources.

1.5. Methodology

The content of this Bench Book was created by FENACERCI, the National Federation of Social Solidarity Cooperatives, based on a national synthesis report¹⁶ produced as part of the ENABLE project¹⁷ entitled *Enabling inclusion and access to justice for defendants with intellectual and/or psychosocial disabilities*, which aimed to analyse and learn more about the experiences and barriers to participation faced by defendants with intellectual and/or psychosocial disabilities in the criminal justice system. The methodological approach combined desk research and data collection through semi-structured interviews with different actors (N=14): defendants with intellectual and/or psychosocial disabilities, prosecutors, judges, lawyers and services providers professionals (psychologists). Data were collected between January and March 2023. During the project, meetings were also held with a group of experts consisting of judges, prosecutors, lawyers, members of the security forces, representatives of bailiffs, psychologists, representative organisations in the field of disability, and persons with disabilities. Thus, the information presented in this Bench Book, including the practical recommendations, involved consultation with the group of experts and other stakeholders who took part in the multidisciplinary meetings organised by FENACERCI between September 2023 and July 2024.

1.6. Main definitions and terminology

- **Access vs. Accessibility** — Access means the opportunity or right to do something or enter a place. Accessibility refers to the design of products, devices,

¹⁶ FENACERCI (2023). Report on the barriers faced by defendants with intellectual and/or psychosocial disabilities in the criminal justice system in Portugal. Available at: https://www.fenacerci.pt/docs/ENABLE_Relatorio-Portugal-5.pdf

¹⁷ Project “ENABLE: Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities” (101056701 – ENABLE – JUST-2021-JACC). Further information: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/>

services or environments so as to be usable by persons with or without disabilities, and also includes information and communication (to be accessible, they must be "easy to understand"). Regarding persons with disabilities, physical accessibility involves, for example, the elimination of barriers so that they can move freely (solutions may include ramps, among others), and accessibility to information and communication involves independent access (e.g.: documents available in Braille or Easy Read and easy-to-understand formats).¹⁸

- **Formal equality vs. Material/substantive equality** — the principle of equality can be understood in different ways, so here we highlight two possible conceptualisations: *formal equality*, or equality of all before the law, a legal-normative concept, which corresponds to the equal treatment of citizens in the uniform application of the law aimed at everyone. However, this understanding of equality in absolute terms does not incorporate the relative, comparative, and evaluative dimensions of equality¹⁹. In contrast, *material or substantive equality*, which is related to social justice, puts forward that the equal should be treated equally and the unequal unequally, to the exact extent of the difference, seeking to correct social inequalities. Reasonable accommodations in the workplace or procedural accommodations in the area of justice can be considered measures aimed at achieving *material or substantive equality* for persons with disabilities.
- **Intermediaries/facilitators** — are "(...) persons who work, as required, with justice system personnel and persons with disabilities to ensure effective communication during legal proceedings." They can "support persons with disabilities to understand and make informed choices, making sure that things are explained and talked about in ways that they can understand and that appropriate accommodations and support are provided".²⁰ To date, the Portuguese legal framework does not include the role of an intermediary/facilitator, unlike in other countries (e.g. Spain and the United Kingdom). The intermediary/facilitator plays a distinct yet complementary role as it relates to the other parties in the proceedings,

¹⁸ Disability-Inclusive Language Guidelines. Available at:

<https://www.ungeneva.org/sites/default/files/2021-01/Disability-Inclusive-Language-Guidelines.pdf>

¹⁹ Garcia, M.G.F.P.D. (2005). *Estudos sobre o Princípio da Igualdade*. Almedina.

²⁰ UN (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, p. 9. Available at:

https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf

such as the "person of trust" (as outlined in Law 35/2023 of 21 July), or the support person²¹ who, although not explicitly defined by law, may be authorised by the competent judicial authority at each stage of the proceedings.

- **Legal capacity** — “legal capacity includes the capacity to be both a holder of rights and an actor under the law. Legal capacity to be a holder of rights entitles persons to full protection of their rights by the legal system. Legal capacity to act under the law recognises that person as an agent with the power to engage in transactions and create, modify or end legal relationships.”²² In Portugal, civil procedure is governed by the principle that “judicial capacity is based on and measured by the capacity to exercise one’s rights” (Article 15(2) of the Civil Code). However, in criminal proceedings and judicial practice, the prevailing view is that the fact that a person has a disability, or is the beneficiary of accompanying measures, does not deprive them of the capacity to be present at the proceedings and to make statements, thereby ensuring their ability to participate in the criminal proceedings.²³
- **Medical Model vs. Human Rights Model** — The medical model of disability focuses on the condition of the person, which is understood to be the direct cause of their disability; on the other hand, the human rights model of disability focuses on the human person and their inherent dignity, recognising that it is the barriers created by society that prevent persons with disabilities from fully enjoying all human rights on an equal basis with others²⁴. The CRPD adopts the human rights model, defining disability as an evolving concept that “results from the interaction between persons with disabilities and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others”.

²¹ Although the Code of Criminal Procedure provides for the role of an “accompanying person” for minor defendants in Article 61(1)(i) and (4).

²² Committee on the Rights of Persons with Disabilities (2014). General comment No. 1 (2014) Article 12: Equal recognition before the law. Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1>

²³ Cf. judgement of the Coimbra Court of Appeal of 20/12/2011 ([case no. 771/08.6PCCBR.C1](https://www.derecho.org/casos/771/08.6PCCBR.C1)), based on Constitutional Court judgement no. 359/2011.

²⁴ Lawson, A., & Beckett, A. E. (2021). *The social and human rights models of disability: towards a complementarity thesis*. *The International Journal of Human Rights*, 25(2), 348-379. <https://doi.org/10.1080/13642987.2020.1783533>

- **Person with disabilities** — "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"²⁵. These also include, among others, persons with neurological conditions (e.g. Multiple Sclerosis) and neurodevelopmental disorders (e.g. Autism Spectrum Disorder). For more information, see Annex 1.
- **Procedural accommodations** — refer to all "necessary and appropriate modifications and adjustments in the context of access to justice, where needed in a particular case, to ensure the participation of persons with disabilities on an equal basis with others".²⁶ Unlike reasonable accommodations, procedural accommodations are not limited by the concept of "disproportionate or undue burden"²⁷. Most of the measures described in this document are "procedural accommodations".
- **Reasonable accommodations** — "means necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms"²⁸.
- **Supported decision making vs. Representation/Substitute decision making** — *Supported decision making* is a model that involves persons with disabilities receiving ample support, including help from persons they trust (e.g. family, friends, peers, lawyers, coaches, professionals, facilitators/intermediaries), to strengthen their ability to make decisions for themselves. Conversely, *representation/substitute decision-making* is a model that delegates the right to make decisions on behalf of persons with disabilities to others (in some countries

²⁵ Convention on the Rights of Persons with Disabilities, Preamble and Article 1

²⁶ UN (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, p. 9. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf

²⁷ UN (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, p. 9. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf

²⁸ Convention on the Rights of Persons with Disabilities, Article 2

the law provides for the appointment of "guardians"). The latter model is widely used in legal systems worldwide, even though it violates the autonomy and legal capacity of persons with disabilities and infringes the CRPD.

- **Trusted person** — someone selected by the person with an intellectual or psychosocial disability, who is specifically appointed with their consent to assist them in exercising their rights, namely, to accompany them in any procedure or procedural stages, in any jurisdiction, or before any authority.

02

RIGHTS OF PERSONS WITH
DISABILITIES:
INTERNATIONAL AND EU
LEGAL FRAMEWORK

02. Rights of persons with disabilities: international and European Union framework

The main international legal instruments that guarantee persons with disabilities fair legal proceedings are the Convention on the Rights of Persons with Disabilities, the European Convention on Human Rights and some European Union Directives.

Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD is considered a crucial instrument within the international legal framework, aiming to promote respect for persons with disabilities and ensuring that they enjoy all human rights and fundamental freedoms on an equal basis with others²⁹. This human rights treaty also aims to change attitudes and approaches to disability.

The CRPD proposes to society a new understanding of disability based on the human rights model: persons with disabilities should be regarded as "subjects" of law, capable of making their own life decisions. It is therefore important to abandon the medical model, according to which persons with disabilities are perceived as "objects" of charity, paternalism and medical treatment. With this paradigm shift — which also has implications for public policies — disability is no longer considered an individual problem (which is up to the person to solve) and is now centred on society, which must eliminate the barriers to social participation — whether they are physical, attitudinal, communicational or otherwise — by providing the appropriate accommodations when necessary³⁰. The CRPD gave greater visibility to the rights already enshrined and clarified relevant concepts according to the human rights paradigm, such as "reasonable accommodation", "communication", "language" and "discrimination based

²⁹ The Convention on the Rights of Persons with Disabilities was adopted by the UN on 13 December 2006. On 30 March 2007, the CRPD was opened for signatures, and on that day alone reached 82 signatories. The CRPD and the Optional Protocol entered into force on 3 May 2008. Further information at:

https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_61_106.pdf

³⁰ UN (2008). Backgrounder: Disability Treaty Closes A Gap In Protecting Human Rights.

Available at: <https://social.desa.un.org/issues/disability/resources/disability-resources/backgrounder-disability-treaty-closes-a-gap-in>

on disability" (Article 2), or "procedural accommodations" (Article 13) in the field of justice³¹.

It should be noted that the CRPD includes **General Comments** which are official interpretations of the Convention issued by the United Nations Committee on the Rights of Persons with Disabilities (the Committee)³². In preparing this Bench Book, the most relevant General Comments were the following: Article 12 (Equal recognition before the law)³³; Article 9 (Accessibility)³⁴; Article 19 (Right to live independently and to be included in the community)³⁵ and Article 5 (Equality and non-discrimination)³⁶.

The Commission and the UN Special Rapporteur³⁷ on the Rights of Persons with Disabilities have also issued guidelines relevant to the implementation of the CRPD,

³¹ Gomes, J. C., Neto, L., & Vítor, P. T. (2020). *Convention on the Rights of Persons with Disabilities — Commentary* Imprensa Nacional. Available at:

<https://impresanacional.pt/wp-content/uploads/2022/03/Convencaosobreosdireitosdaspessoascomdeficiencia.pdf?btn=red>

³² The Committee on the Rights of Persons with Disabilities, established by the Convention (Article 34), monitors the implementation of the Convention by the States Parties. The Commission oversees the implementation of the CRPD and issues General Comments and Concluding Observations on States that are parties to the Convention regarding their progress in implementation.

³³ General Comment No. 1 — Article 12: Equal recognition before the law (Adopted 11 April 2014). <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1>

³⁴ General Comment No. 2 — Article 9: Accessibility (Adopted 11 April 2014): <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-2-article-9-accessibility-0>

³⁵ General comment No. 5 on Article 19 — the right to live independently and be included in the community. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live>

³⁶ General comment No. 6 on equality and non-discrimination. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no6-equality-and-non-discrimination>

³⁷ Special Rapporteur on the rights of persons with disabilities: <https://www.ohchr.org/en/special-procedures/sr-disability>

specifically on Article 14 (Liberty and security of person)³⁸, and Article 13 (Access to Justice).³⁹

Article 13 Access to justice

1 — States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, **including through the provision of procedural and age-appropriate accommodations**, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2 — In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

In accordance with the CRPD and the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, the most crucial safeguards of a fair trial are as follows:

- Equal recognition before the law (Article 12 of the CRPD).
- Access to justice (Article 13 of the CRPD).
- All persons with disabilities have legal capacity and, therefore, no one shall be denied access to justice on the basis of disability (Principle 1).
- Persons with disabilities, including children with disabilities, have the right to appropriate procedural accommodations (Principle 3).
- Persons with disabilities have the right to access legal notices and information in a timely and accessible manner, on an equal basis with others (Principle 4).
- Persons with disabilities are entitled to all the substantive and procedural safeguards recognised in international law, on an equal basis with others, and States must provide the necessary accommodations to guarantee due process (Principle 5).

³⁸ "Guidelines on the right to liberty and security of persons with disabilities" annexed to document "A/72/55: Report of the Committee on the Rights of Persons with Disabilities — 13th through 16th sessions (2015-2016)". Available at: <https://www.ohchr.org/en/documents/reports/a7255-report-committee-rights-persons-disabilities-13th-through-16th-sessions>

³⁹ UN (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*. Available at: <https://www.ohchr.org/en/special-procedures/sr-disability/international-principles-and-guidelines-access-justice-persons-disabilities>

- Persons with disabilities have the right to free or affordable legal assistance (Principle 6).
- All those working in the justice system must be provided with awareness-raising and training programmes addressing the rights of persons with disabilities, in particular in the context of access to justice (Principle 10).

Portugal ratified the CRPD and its Optional Protocol on 23 September 2009 and undertook to implement its provisions without any declarations, reservations or objections.

European Convention on Human Rights

With regard to the procedural rights of defendants with disabilities, it is particularly relevant to consider the European Convention on Human Rights adopted by the Council of Europe, specifically Article 3 (Prohibition of torture), Article 5 (Right to liberty and security), Article 6 (Right to a fair trial), Article 13 (Right to an effective remedy) and Article 14 (Prohibition of discrimination).

European Union legislation

The relevant European Union Directives regarding **the rights of defendants or persons suspected or accused** of having committed a criminal offence are the following:

- **Right to interpretation and translation in criminal proceedings** (Directive 2010/64/EU): Portugal concluded that transposing this directive was not necessary.
- **Right to information in criminal proceedings** (Directive 2012/13/EU): Portugal concluded that transposing this directive was not necessary.
- **Right of access to a lawyer in criminal proceedings** (Directive 2013/48/EU): Portugal concluded that transposing this directive was not necessary.
- Strengthening of certain aspects of the **presumption of innocence** and of the **right to be present at the trial** in criminal proceedings (Directive (EU) 2016/343): Portugal concluded that transposing this directive was not necessary. The Constitution of the Portuguese Republic and ordinary legislation

both provide for rights and guarantees that are identical to those set out in this Directive.

- **Legal aid** for suspects and defendants in criminal proceedings and for persons wanted in connection with proceedings for the execution of European arrest warrants (Directive 2016/1919): transposition approved by Law no. 65/2003, of 23 August 2003; and Law no. 34/2004, of 29 July 2004; Law no. 47/2007, of 28 August 2007; Law no. 35/2015, of 4 May 2015. In Portugal, all natural and legal persons who cannot afford to pay for legal advice and court fees are entitled to legal advice or legal aid.

03

PERSONS WITH
INTELLECTUAL AND
PSYCHOSOCIAL DSABILITIES
IN THE JUSTICE SYSTEM IN
PORTUGAL

03. Persons with disabilities and/or psychosocial disabilities in justice system in Portugal

The **Constitution of the Portuguese Republic** recognises that all citizens are equal before the law⁴⁰. Everyone has the right to dignity, autonomy and self-determination, including persons with intellectual or psychosocial disabilities.

Following the **ratification of the Convention on the Rights of Persons with Disabilities (CRPD)**, Portugal has made positive progress in promoting the human rights of persons with disabilities. **Article 12 of the CRPD (Equal recognition before the law) recognises that all persons with disabilities "enjoy legal capacity on an equal basis with others in all aspects of life"**. Similarly, it mentions that States shall take "appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity". Since the ratification of the CRPD in Portugal, disability cannot be used as a criterion to restrict legal capacity. **Article 8(2) of the Constitution states that the rules contained in ratified international conventions are valid in the Portuguese internal legal order.**

The changes introduced by the following legislation stand out:

- **Adult Accompanied Law** (Law no. 49/2018, of 14 August)⁴¹ has eliminated the measures of legal incapacitation and disqualification and aims to introduce changes in line with the CRPD that will enable the recognition of the legal capacity of all citizens. This law formally recognises the right of all persons, regardless of the complexity of their support needs, to "equality before the law, on an equal basis with other citizens, in all areas of their lives".
 - Based on the supported decision-making model, it is important that the beneficiary's monitoring needs are assessed on a case-by-case basis, identifying the support needed to exercise their rights and fulfil their duties.

⁴⁰ Constitution of the Portuguese Republic (Article 13). Available at:

<https://www.parlamento.pt/Legislacao/Paginas/ConstituicaoRepublicaPortuguesa.aspx>

⁴¹ Law no. 49/2018, of 14 August, creates the legal framework for accompanied adults, eliminating the measures of legal incapacitation and disqualification. Available at: <https://dre.pt/dre/detalhe/lei/49-2018-116043536>

The Good Practices Guide⁴² prepared by the Attorney General's Office on this law recommends to public prosecutors that **accompanying measures subject to representation regimes should be requested on an exceptional basis, only when necessary**. The same document states that "a person of the beneficiary's trust and, where necessary and possible, an interpreter and/or specialised technician should be designated to be present" (p. 11).

- However, the EQUAL project⁴³ completed in 2023, which aimed to identify opportunities and challenges in implementing the Accompanied Adult Law and understand its effects on the social participation and legal capacity of persons with disabilities, revealed, through an analysis undertaken at three Portuguese courts, that court decisions predominantly granted accompanying persons powers of **general representation**, following a **substitution model**. Similarly, it was found that personal rights, specifically testamentary freedom, or the exercise of parental responsibilities are quite often restricted, showing that there is still a long way to go to effectively change practices.

- The revision of the **Mental Health Law** (Law no. 35/2023, of 21 July) also introduced changes, such as:
 - It eliminates the term "psychic anomaly" in favour of the term "**mental illness**".
 - Replaces "compulsory hospitalisation" with "**involuntary treatment**".

⁴² Guide created by a Working Group established by Order of the Attorney General of the Portuguese Republic on 05/03/2021, aimed at establishing practical guidelines for the application of the Accompanied Adult Law for public prosecutors. The Guide is not published as an open-source document, it has only been made available on the Public Prosecutor's Office information system.

⁴³ Research brief for the project "EQUAL — Equality before the law and the right to self-determination of persons with intellectual and psychosocial disabilities" (<https://equal.iscsp.ulisboa.pt/>). Promoted by the Interdisciplinary Centre for Gender Studies (CIEG) and the Observatory on Disability and Human Rights (ODDH) of the Higher Institute of Social and Political Sciences of the University of Lisbon (ISCSP-ULisboa), it had the collaboration of the following partner institutions: National Federation of Social Solidarity Cooperatives (FENACERCI); National Federation of Rehabilitation Entities for Persons with Mental Illness (FNERDM); HUMANITAS — Portuguese Federation for Mental Disability (HUMANITAS); Attorney General's Office (PGR); Ombudsman and the Supreme Judicial Council. Available at: https://equal.iscsp.ulisboa.pt/media/attachments/2024/03/01/oddh-research_brief_final.pdf

- The law defines the "person of trust" as "the individual selected by the person in need of mental healthcare, explicitly designated to **support them in exercising their rights**, with their consent."
 - **It revokes the possibility of unlimited (or even perpetual) duration of hospitalisation measures for persons exempt from criminal liability**, provided for in the previous law. In other words, the duration of hospitalization cannot exceed the maximum sentence applicable to the type of offense committed.
 - Subsidiarity of hospitalisation, with outpatient treatment being the standard according to the law, means that there are greater legal safeguards for freedom.
 - Minimal intervention in terms of the exceptional nature of coercive measures during treatment.
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- The "Independent Living Support Model" programme was created by Decree-Law no. 129/2017 of 9 October, in line with Article 19 of the CRPD (Right to live independently and be included in the community). This provides for personal assistance, i.e. "a specialised support service for independent living, through which support is made available to a person with a disability or impairment to carry out activities which, due to limitations arising from their interaction with their surrounding conditions, they are unable to carry out on their own". Some of the support measures provided for in Article 6 are "communication mediation activities"; or "decision-making support activities, including the collection and interpretation of information necessary for decision-making". It is important to discuss how to include the participation of personal assistants in the justice system.

Despite the progress mentioned above, namely related to Articles 12 (Equal Recognition before the law) and 19 of the CRPD (Right to live independently and be included in the community)⁴⁴, **Portuguese legislation does not explicitly mention, as Article 13 (Access to Justice) of the CRPD does, the "provision of procedural accommodations"** — such as, for example, the provision of information in simple,

⁴⁴ CRPD/C/5: *Guidelines on deinstitutionalization, including in emergencies* (2022) (9 September 2022). Available at: <https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpd5-guidelines-deinstitutionalization-including>

easy-to-understand language or documents written in accessible formats (e.g. Braille, or Easy to Read) — **to persons with intellectual and/or psychosocial disabilities** who participate directly or indirectly in legal proceedings, whether as witnesses, accused, persons benefiting from accompanying measures, or defendants, in the case of well-founded suspicions that the person has committed or participated in the commission of a crime.

In Portugal, to date, procedural accommodations (e.g. accompaniment, provision of a sign language interpreter or others) have been provided in the judicial context for the following situations:

- **Minors under 18 years old:** the right to "be accompanied, **if they are a minor**, during the procedural stages they take part in, by the persons with parental responsibility, their legal representative or a person with legal custody. If these persons can't be reached or if special circumstances require it based on the minor's interests or the needs of the proceedings, they may be accompanied by another suitable person designated by them and approved by the competent judicial authority" (Article 61(1)(i) and (4) of the Code of Criminal Procedure on Procedural Rights and Duties). The same article does not elaborate on any scenarios involving requests for or provision of procedural accommodations for persons with disabilities.
- Persons who have been **victims of crime**⁴⁵: e.g. future memory depositions, recorded on audio and/or video; the possibility of the public prosecutor travelling to the victim's home for the deposition, accompaniment by a Victim Support Professional, among others.
- Persons with hearing impairment: e.g. the provision of a Sign Language Interpreter (article 93 of the Code of Criminal Procedure).

Apart from the provision of a sign language interpreter, the other practices mentioned above do not apply, to date, to defendants with intellectual and/or psychosocial disabilities, so it would be important to reflect on their possible extension.

As part of the "ENABLE — Enabling inclusion and access to justice for defendants with intellectual and/or psychosocial disabilities" project — **which specifically focused on the criminal justice system** — a report was created which identified some of the main

⁴⁵ For example: Law no. 130/2015, and Law no. 112/2009. It should be noted that there is related legislation on this subject that is not listed exhaustively in this Guidance Manual.

barriers faced by defendants with intellectual and/or psychosocial disabilities in Portugal:⁴⁶

- The Portuguese Code of Criminal Procedure does not provide for procedures that allow for a timely assessment of **whether persons with intellectual and/or psychosocial disabilities who are defendants require any kind of procedural accommodation** (e.g. accompaniment by a support person, of their choice; a communication facilitator with judicial authorities, or other accommodations) in the early stages of the criminal justice process or during the trial. Sometimes, it is only during trial that it becomes apparent that the person has certain support needs.
 - It is therefore important to create **appropriate support services** (for example, strengthening the magistrates' support offices provided for in the respective statutes or multidisciplinary teams) **within the criminal justice system**, in order to ensure that procedural accommodations are made available to persons with disabilities.
- The **legislation does not expressly allow defendants with intellectual and/or psychosocial disabilities to be accompanied by family members, friends, professionals or other relatives' persons who can provide them with emotional and moral support** at all stages of the proceedings, if they so wish. However, **the presence of a support person may be authorised by the competent judicial authority at each stage of the proceedings.**

Promising Practice

In the summary report conducted in Portugal, it was noted that justice professionals sometimes strive to use clear language, adapting it to the defendant and consistently favouring simple and accessible language. However, these decisions are made on an individual basis, according to the personal judgment of each legal professional, without established procedures or guidelines.

⁴⁶ FENACERCI (2023). Report on the barriers faced by defendants with intellectual and/or psychosocial disabilities in the criminal justice system in Portugal. Available at: https://www.fenacerci.pt/docs/ENABLE_Relatorio-Portugal-5.pdf

Likewise, **family or others who can provide support** (and facilitate communication) can play an important role as informal facilitators.

- Portuguese law does not provide, as recommended by the UN's *International Principles and Guidelines on Access to Justice for Persons with Disabilities*⁴⁷, for **any intermediary/facilitator** who can accompany defendants with disabilities and facilitate communication, support the understanding of procedures and support the defence of their rights.
 - The **intermediary/facilitator and the chosen support person have different roles and, where necessary, access to both should be guaranteed at every stage of the proceedings.**
 - It is therefore important to **review the legislation in force and introduce information on procedural accommodations** — including allowing an intermediary/facilitator — applicable to persons with disabilities, including those officially designated as defendants.
- **Architectural barriers are still present in the buildings and facilities of the justice system and security forces** that in some cases prevent persons with disabilities from accessing them, representing a **significant obstacle to access to justice**. In order to ensure the fulfilment of the **to be present at the trial** it is important to continue to monitor the physical accessibility of courts and other justice services, eliminating their barriers. Since 2006, Portugal has approved the accessibility regime for buildings and establishments open to the public⁴⁸.
- **Not all justice websites are accessible, so their accessibility must be improved.** The European Web Accessibility Directive, transposed by Decree-Law

⁴⁷ UN (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf

⁴⁸ Decree-Law no. 163/2006, of 8 August. Approves the accessibility regime for buildings and establishments open to the public, public roads and residential buildings. Available at: <https://dre.pt/dre/detalhe/decreto-lei/163-2006-538624>

83/2018⁴⁹, requires all websites and mobile applications of public organisations in the European Union to be more accessible to users, especially when it comes to persons with disabilities.

- Finally, it should be noted that persons with disabilities may experience multiple simultaneous forms of discrimination due to the intersection of various factors such as gender, poverty, religion, sexual orientation, and others, which should be considered when assessing needs and providing procedural accommodations.

⁴⁹ Decree-Law no. 83/2018, of 19 October. Defines accessibility requirements for websites and mobile applications of public organisations, transposing [Directive \(EU\) 2016/2102](#). Available at: <https://diariodarepublica.pt/dr/detalhe/decreto-lei/83-2018-116734769>

04

IMPLEMENTING
PROCEDURAL RIGHTS FOR
DEFENDANTS WITH
INTELLECTUAL AND
PSYCHOSOCIAL
DISABILITIES

04. Implementing procedural rights for defendants with intellectual and/or psychosocial disabilities

In order for persons with disabilities to be able to participate in the justice system on an equal basis with others, it is necessary to establish specific guidelines — some of which may require legislative changes — so that procedural accommodations are made available to all persons with disabilities who interact with the justice system in Portugal.

The guidelines proposed in this Bench Book are based on the principles and norms of international human rights law and its official interpretations, which the State is required to implement, even if specific legislation or regulations have not yet been passed at national level. The following assumptions have been made:

- (1) **Legal capacity** is everyone's right and should not be taken away on the basis of disability or incapacity. In order for persons to be able to make decisions autonomously, it is important to implement a decision-making support model, even if persons with disabilities take on the role of defendants in legal proceedings;
- (2) In order for persons with disabilities to be able to participate on an equal basis with others, they must be provided with **procedural accommodations** — these are very different depending on the different support needs.
- (3) In order for the **right to communication and information** to be implemented, some persons may need **accessible information**, but also communication support;
- (4) Every person should have **adequate legal aid**;
- (5) Every person has the right to **be present in court, to be heard**, and has the right to the **presumption of innocence**, they should not be assumed unable of providing testimony or appearing in court.

This is followed by some recommendations and practical guidelines on how to implement these rights and procedural accommodations that enable persons with disabilities to participate on an equal basis with others in the justice system.

4.1. Right to equal participation in the criminal process

Persons with intellectual and/or psychosocial disabilities have the right to **be present in court, to give testimony, and to stand trial**. In order for them to be able to participate on an equal basis with others, at every stage of the proceedings, the following **guidelines and recommendations** must be taken into account:

- 1) Recognise that persons with disabilities, **including defendants, have legal capacity** and provide them with all the support and **procedural accommodations** necessary to exercise that capacity;
 - a) **Ensure that the assessments of a person's functional or mental state** that identify cognitive and/or psychosocial needs associated with mental health disorders **cannot be used to restrict their legal capacity right**, and that they are solely used to determine procedural accommodations to ensure their effective participation in the proceedings. These assessments must take into account the person's wishes and preferences;
 - b) Ensure that all defendants with disabilities, including those who have been determined to be exempt from criminal liability (through a medico-legal examination by a psychiatrist, neurologist or other professional), have the effective right to appeal, access to procedural accommodations and support for this purpose, as well as the respective legal aid (although the law already ensures that persons exempt from criminal liability or persons with limited criminal liability have the right to mandatory legal assistance by a lawyer, in accordance with Article 64(1)(d) of the Code of Criminal Procedure);
 - c) If it is determined, in accordance with Article 20 of the Penal Code, that the defendant acted without the capacity to assess the unlawfulness of their behaviour, i.e. if they are deemed exempt from criminal liability or have limited criminal liability, **it is recommended that the person be treated in the same way as any other defendant**.
 - i) **Unaccountability from criminal liability does not deprive defendants of any kind of rights and safeguards, and there is no legal standard limiting the procedural participation of defendants who are deemed exempt from criminal liability**. Therefore, and in line with Article 13 of the

CRPD and the defence safeguards provided for in the Portuguese Constitution and the Portuguese Code of Criminal Procedure, defendants who are deemed exempt from criminal liability (or who have limited criminal liability) must be guaranteed the possibility of participating in proceedings on a substantive equal basis.

- ii) Sometimes, defendants who are deemed not criminally responsible may spend longer under hospitalisation security measures than they would have served in prison if they had been convicted.⁵⁰ In Portugal, Law 35/2023, of 21 July, revoked the possibility of successive extensions to the security measures applied to unimputable persons from criminal liability who are considered dangerous. However, for defendants who are considered guilty, it is quite common in practice for their prison sentences to be reduced, particularly through probation. On the other hand, the duration of hospitalisation security measures is often extended.
- On the one hand, it is important to ensure that the assessment of dangerousness is both rigorous and accurate, while at the same time moving from a purely medical model of disability to a human rights model when evaluating dangerousness and considering the need for hospitalisation.
 - And on the other, it is also important to ensure that the integration and reintegration of unimputable persons from criminal liability who are considered dangerous is carried out in a seamless and integrated way, in order to avoid security measures being longer than prison sentences. This is because, in practice, unimputable persons from criminal liability who are deemed dangerous may be subject to more restrictive hospitalisation measures than imputable persons who commit the same type of crime.
 - It is therefore important to reinforce the intervention of multidisciplinary teams in monitoring these cases, to ensure the proper reintegration of these persons into the community, and that the execution of these

⁵⁰ Access to Justice Knowledge Hub. (2022). *Implementing the Convention on the Rights of persons with disabilities in criminal justice systems — a briefing paper* (p. 14). Available at: <https://icj2.wpenginepowered.com/wp-content/uploads/2022/12/Briefing-Paper-Implementing-The-CRPD-In-Criminal-Justice-Systems-Access-to-Justice-Knowledge-Hub.pdf>

security measures is not more restrictive of liberty, among other things, due to a lack of adequate social responses in the community.

- Given the national context and also the international debate on this issue, which includes views that argue that unimputable from criminal liability violates the CRPD⁵¹, Portugal could consider discussing issues related with this matter.

iii) Ensure that security measures are implemented under conditions that facilitate effective reintegration, including, where applicable, fulfilling the right to access the outside, even if access is controlled.

2) Ensure the safe, fair and effective **involvement and full participation** of persons with disabilities in legal proceedings.

a) Ensure the provision of accommodations and support, including support persons chosen by the defendant with disabilities or intermediaries/facilitators if allowed by law, whenever necessary, to facilitate **clear and accessible communication** between persons with disabilities and the courts.

3) Because they are tasked with reviewing issues of unconstitutionality and legality (particularly regarding laws with heightened value), judges play a crucial role in preventing the application of legal provisions that are inconsistent with the CRPD and the Portuguese Constitution.

4.2. Right to procedural accommodations

According to article 13 of the CRPD "States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of **procedural accommodations**". However, **the Portuguese legal framework does not address any situation involving the request and provision of procedural accommodations for adult persons with intellectual and/or**

⁵¹ Human Rights Council (2009). *Thematic Study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with Disabilities*. Available at: <https://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/a.hrc.10.48.pdf>

psychosocial disabilities, nor does it specifically address such accommodations for defendants. Thus, it appears that **in Portugal, the request for procedural accommodations is rare or non-existent**⁵². As previously mentioned, there are specific procedural accommodations and support for children under 18 years old, which are regarded as being particularly vulnerable, and persons with hearing disabilities (e.g. sign language interpreters).

There are no specific procedures for providing **communication support** for persons with intellectual and/or psychosocial disabilities, on the one hand, and for justice professionals (who believe that requesting such support could facilitate communication with defendants with disabilities) on the other. This means that, in court, **a person with an intellectual and/or psychosocial disability may find themselves alone in front of the judge without any communication support to understand the meaning of the questions asked.**

It is therefore important to create **appropriate support services** within the criminal justice system, in order to ensure that both persons with disabilities and those involved in the criminal justice system can request procedural accommodations.

Promising Practice

*In practice, according to the management of the competent judicial authority, some procedural accommodations can be provided (for example, having time during the hearing to calm down, having a family member or significant person by their side and making an effort to simplify and adapt the language used to the defendants, favouring simple, easy-to-understand language)*⁵³.

⁵² FENACERCI (2023). Report on the barriers faced by defendants with intellectual and/or psychosocial disabilities in the criminal justice system in Portugal. Available at: https://www.fenacerci.pt/docs/ENABLE_Relatorio-Portugal-5.pdf

⁵³ FENACERCI (2023). Report on the barriers faced by defendants with intellectual and/or psychosocial disabilities in the criminal justice system in Portugal. Available at: https://www.fenacerci.pt/docs/ENABLE_Relatorio-Portugal-5.pdf

- Examples of procedural accommodations, according to the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*⁵⁴:
 - Specific accommodations, such as: accommodation of the facilities; adequate waiting spaces; removal of robes and gowns; adjustments to the pace of proceedings; modifications to the questioning dynamics; allowing direct questions, short sentences, avoiding abstract concepts, or when used, illustrating them with examples, allowing extra time to answer, allowing pauses when necessary; using simple language; asking the person for feedback to validate that what is being said is being understood;
 - Allow persons with disabilities, at all stages of the proceedings, if they so wish, to be **accompanied by a support person of their choice (e.g. family, friends or other persons)** to provide them with emotional support, or communication support (without them replacing the intermediary/facilitator);
 - Other forms of support, including communication support.

Promising Practice

As already mentioned, the UN recommends, through the International Principles and Guidelines on Access to Justice for Persons with Disabilities, that States review their legislation and introduce information on procedural accommodations – including the possibility of having an intermediary/facilitator.

In Spain, according to Royal Decree 193/2023, of 22 March⁵⁵, the facilitator is the "person who works, as needed, with justice system personnel and persons with disabilities to ensure effective communication during all stages of the judicial procedure (...) the facilitator is neutral and does not speak on behalf of persons with disabilities or the justice system, nor does he or she influence decisions and outcomes".

⁵⁴ UN (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf

⁵⁵ Real Decreto 193/2023, de 21 de marzo, por el que se regulan las condiciones básicas de accesibilidad y no discriminación de las personas con discapacidad para el acceso y utilización de los bienes y servicios a disposición del público. Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2023-7417>

4.2. 1. Individual assessment

To ensure that procedural accommodations are available to persons with disabilities involved in legal proceedings, it is essential to conduct a timely individual assessment to determine which procedural accommodations are needed to enable the relevant authorities to provide the necessary support and ensure full and effective participation in the proceedings. The person with disabilities should be heard and involved, where possible, in determining what **procedural accommodations they need**.

Currently, **there are no specific procedures in Portugal to identify whether persons in contact with the justice system need procedural accommodations**. As a result, in some cases these procedural accommodations are not identified, or are identified during the trial:

"This person comes to court (...) and I talk to the person and realise that something isn't right here. Probably due to a lack of awareness on the part of the police forces during the investigation." [Judge]

However, in other cases, even without specific procedures, this assessment is carried out in a timely manner:

"I continue to emphasize that the lawyer plays a very important role here because he/she is close to the defendant, because he/she can talk to the defendant in a less formal and closer way, and can understand, explain and try to normalise the situation." [Lawyer]

Promising Practice

In Portugal, in 2018, the inclusive education regime was created (Decree-Law 54/2018, of 6 July), in line with the CRPD. The new **law abandons systems of categorising** students, including "special educational needs", and establishes a continuum of responses for all students: **universal** (responses available to all students), **selective** (if necessary, small changes and adjustments) and **additional** (aimed at addressing marked and persistent difficulties in communication, interaction, cognition or learning that require specialised resources to support learning and inclusion). The measures are defined by the teachers, in consultation with the parents and other technicians who work directly with the student.

*When a student changes schools, the registration forms ask the following question – “**Is the student covered by the measures (Technical Pedagogical Plan or Report) under Decree-Law 54/2018, of 6 July**”? – so that the new school can continue to apply the learning support measures.*

Resource Centres for Inclusion (RCIs) are specialised community-based services, accredited by the Ministry of Education⁵⁶, which support the school's capacity to promote the educational success of all students. Among other aspects, this provides school groups with a multidisciplinary team that supports the specialised assessment of children and young people.

Just as the educational context has aligned with the CRPD by focusing on measures to support learning, the justice system can promote a more equal access to justice by implementing procedural accommodations.

Practical Guidelines

Develop and implement procedures to identify, at the start of legal proceedings and before any procedural stages (e.g., judicial questioning by the security forces), the procedural accommodations needed by persons with disabilities, ensuring their participation on an equal basis.

- a. To achieve this, security forces or other actors in the justice system should receive adequate training to fulfil these duties, in particular to assess the need for procedural accommodations and to liaise with organisations and professionals working directly with persons with disabilities.
- b. The individual assessment mentioned here should be used exclusively to identify and gather the necessary and relevant information for the competent authorities to determine the appropriate procedural accommodations for the person with disabilities.**
- c. Defendants should participate in the process of individual assessment/identification of support measures, should have access to**

⁵⁶ Directorate-General for Education. Inclusion Resource Centres (IRCs). Available at: <https://www.dge.mec.pt/centros-de-recursos-para-inclusao-cri>

it when it is completed and should have the right to comment on it, receiving support if necessary.

- d. **The person with disabilities should be heard and be involved, where possible, in determining what procedural accommodations they need.**
- e. Greater involvement of family members or professionals from disability organisations should be encouraged to help determine if persons in contact with the justice system require accommodations.
- f. Judges should check that the individual assessment/identification of any procedural accommodations has been carried out before the start of the trial. Likewise, prosecutors should follow the same procedure in the enquiry/investigation stage.
- g. Data protection rules and safeguards should be established regarding the sharing of information from individual assessments/identification of support measures carried out by the different actors in the justice system.

Policy Recommendations

1) It is important to review laws, policies, guidelines and practices that regard medical professionals as the only (or primary) "experts" in determining how, to what extent and **with what kind of support persons with disabilities** may participate in legal proceedings. It is important to include other professionals, such as psychologists or others, in the assessment of support needs:

- a. This assessment can be carried out by professionals who **support the justice system** from different areas, provided they have received appropriate training (**e.g. psychologists, social workers or other professionals**). **It is also important to involve the Directorate-General of Reintegration and Prison Services in this process.**
- b. The creation of offices dedicated to supporting access to justice and participation in proceedings for persons with disabilities, including defendants, could be considered. This could be done in collaboration with organisations that already provide support to persons with disabilities and/or within the framework of existing multidisciplinary teams (Article 35 of the Law on the Organisation of the Justice System), which include psychologists who

could also be involved in assessing and identifying procedural accommodations;

- c. Train professionals responsible for determining procedural accommodations through specialised training on disability from a human rights perspective and procedural accommodations in the justice system (e.g. psychologists and other professionals supporting the justice system, including Victim Support Professionals [provided they have complementary specialised training], or other professionals), focusing on their competences (e.g. active listening, adapted communication and ethically informed decision-making);

Promising Practice

In some countries, such as the UK and Spain, this assessment of support needs can be carried out by intermediaries/facilitators. In Spain, the collaboration of these intermediaries/facilitators can be requested from Non-Governmental Organisations, such as Plena Inclusión, which has promoted the qualification of judicial facilitators.⁵⁷ When police authorities suspect that a person has an intellectual disability, they contact Plena Inclusión, which then carries out an assessment and provides support in obtaining official recognition.⁵⁸

2) It is recommended that Portuguese legislation be revised to provide for **intermediaries/facilitators** to be made available to defendants with disabilities, whenever necessary, to enable **clear communication** with the courts, ensuring safe, fair and effective involvement and their full participation in all stages of the proceedings.

⁵⁷ ENABLE Project — Spain Report (2023, p. 20). Available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-briefing-papers/>

⁵⁸ ENABLE Project — Spain Report (2023, p. 30). Available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-briefing-papers/>

- i) Just as a sign language interpreter can support persons with hearing disabilities, an **intermediary/facilitator can support persons with intellectual/and or psychosocial disabilities at all stages of the legal proceedings.**
 - ii) The use of intermediaries/facilitators should be free of charge for persons with disabilities.
 - iii) These intermediaries/facilitators should be given **adequate training** so that they can support persons with intellectual and/or psychosocial disabilities at all stages of the legal proceedings.
 - iv) The Centre for Judicial Studies could promote training for judges and public prosecutors on the role of intermediaries/facilitators and coordinate with entities that support persons with disabilities regarding the training provided.
- 3) Identify and share good practices** in identifying accommodations to be made available to persons with disabilities and develop training or awareness-raising actions focusing on the human rights model of disability and what accommodations should be made so that persons with disabilities can participate on an equal basis with others.⁵⁹
- 4) Review inappropriate terminology**, considering the guidelines of the CRPD (e.g. unaccountability from criminal liability due to psychic anomaly).

Promising Practice

In Bulgaria, the courts use an "NGO assessment of the social functioning of persons with disabilities and their special needs". This assessment is designed to be used in all courts that deal with cases involving persons with disabilities. Its aim is to enable effective participation in the trial and improve the protection of their rights and interests.⁶⁰

⁵⁹ FENACERCI (2023). *Report on the barriers encountered by defendants with intellectual and/or psychosocial disabilities in the criminal justice system in Portugal*. Available at: https://www.fenacerci.pt/docs/ENABLE_Relatorio-Portugal-5.pdf

⁶⁰ ENABLE Project — *Bulgaria Report* (2023, p. 31). Available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-briefing-papers/>

4.2.2. Provision of procedural accommodations

Persons with disabilities, including children, **have the right to appropriate procedural accommodations** at all stages of legal proceedings that enable **effective communication** to ensure that their rights are understood and that they can participate in proceedings (e.g. provision of a sign language interpreter, use of augmentative and alternative communication, use of intermediaries/facilitators, among others). It is equally important to provide full access to the **physical space** (including access to the court buildings, any adjustments to the room layout, among other factors).

Practical Guidelines

- 1) Ensuring — from the first contact with the security forces and throughout the proceedings — the right of defendants with disabilities to a fair trial, on an equal basis with others, by providing procedural accommodations whenever necessary.
 - a. If the security forces identify, or it is revealed to them, that the person has any kind of disability (by the person concerned or by a third party), this information should alert them to the need to **initiate a process of assessment/identification of support measures/procedural accommodations**, involving the person with disabilities whenever possible, and the support person (if requested). They should be consulted regarding any barriers experienced and the need for accommodation.
 - b. **The justice system must ensure the necessary means and resources for identifying and making available procedural accommodations** for persons with disabilities (e.g. funding training on procedural accommodations; ensuring the availability of assistive technologies and products that may be deemed relevant, among others).
 - c. Develop and implement **action procedures/protocols in the justice system — which can be used by all justice professionals — to**

recognise, request, assess and provide procedural accommodations for persons with disabilities in legal proceedings.

Promising Practice

In Spain, procedural accommodations can be requested by procedural parties, the Public Prosecutor's Office, the judge or the person with disabilities.

- d. It is recommended that **the justice system develop specific guidelines on procedural accommodations** for persons with disabilities, facilitating the work and approach of legal professionals to persons with disabilities, as well as their dissemination by justice actors.
- e. It is recommended that all justice professionals at different levels — national, regional and local — **co-operate and co-ordinate** in the **implementation of procedures/protocols on the procedural accommodations** to be provided to persons with disabilities.
- f. **Lawyers representing persons with disabilities should have access to procedural accommodations**, such as sign language interpreters, assistive technologies to facilitate communication, and intermediaries/facilitators, or the resources needed to ensure effective communication with clients, witnesses and other persons with disabilities. Direct and personal contact between the lawyer and the person with disabilities before the proceedings is essential.
- g. All procedural accommodations must be **suited to the cognitive functioning, gender⁶¹ and age** of the persons with disabilities.

⁶¹ Several studies have analysed the influence of gender stereotypes on court decisions; however, the results have not been consistent. Some studies show, for example, that women who are convicted and have children in their care are less likely to go to prison and receive other types of non-custodial

- 2) All those involved in legal proceedings, including defendants with disabilities, must be **informed of their rights, including the right to benefit from procedural accommodations** throughout the proceedings, and can request them at any time.
 - a. Requesting procedural accommodations should not be the sole responsibility of the defendant. All **actors in the justice system have a proactive duty to provide procedural accommodations.**

- 3) **Practical examples of procedural accommodations** that can be provided:
 - a. From the initial contact with the security forces or the Public Prosecutor's Office, persons with disabilities should be informed of their right to be accompanied by a **support person, chosen by them**, who may (or may not) be a family member.
 - i. Ensure that the competent judicial authority, at each stage of the proceedings, allows the defendant with disabilities to have a support person at their side, chosen by them, to accompany them or facilitate communication, if necessary.
 - It is recommended that the questioning of the defendant with disabilities during the investigation stage be conducted by a public prosecutor who has received specialised training in disability issues.
 - It is recommended that, similarly to public prosecutors who receive specific training in the areas relating to children and victims of domestic violence, those conducting the questioning of persons with disabilities should also have specialised training in this area.

sanctions. However, other studies suggest the opposite, i.e. that women may be being punished twice: for criminal acts and, at the same time, for not fulfilling the role of carer, as socially expected. In Portugal there is no official data on the number of women serving non-custodial sentences. However, there is a high proportion of women in prison (6.1 per cent) compared to the European average (5.3 per cent). A questionnaire study carried out by Rodrigues et al. (2023), in Portugal, involving 152 convicted women (e.g. drug trafficking, economic crimes, domestic violence, and other crimes), 78% of whom were serving a prison sentence, suggests that the findings for this sample seem to support that judges do not consider maternity when deciding on non-custodial sentence. Factors such as having dependent minor children or other dependents should also be considered when assessing the procedural accommodations to be provided.

[Rodrigues, C. A., Andrade, J., Gonçalves, R. A., Cruz, A. R., & Cunha, O. (2023). In or Out: Justice-Involved Women Characterization and Their Perceptions about Penal Sanctions. *Women & Criminal Justice*, 1-18. <https://doi.org/10.1080/08974454.2022.2126743>]

- When **questioning** persons with disabilities who are suspected of having committed any crime, they should be **asked if they would like to have a support person at their side, chosen by them**. If so, the presence of the support person must be authorised by the competent judicial authority.
- It should not be assumed that the support person will necessarily be a family member or that the person with disabilities will necessarily seek a support person.
- An opportunity to establish direct contact with the support person should be provided. Contact by telephone alone may not be adequate or sufficient, therefore, situations should be analysed on a case-by-case basis.

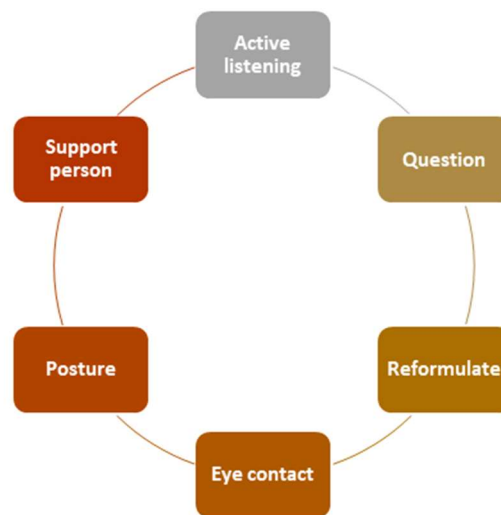
Promising Practice

Accompaniment by a support person or Victim Support Professional (VSP) is currently permitted for especially vulnerable victims or victims of domestic violence when they make a statement. The Offices for Victims of Gender Violence (GAV) within the Department of Criminal Investigation and Prosecution (DIAP), created through a protocol signed between the Ministry of Justice (MJ) and the Attorney General's Office (PGR), also include victim support professionals from Non-Governmental Organisations.

- b. The **language** used should be **simple** and **easy to understand**.
 - i. The following aspects should be specifically taken into account:
 - speaking slowly and adjusting the tone of voice;
 - using short sentences; using words that are easy to understand;
 - if it is necessary to use difficult words, abstract concepts, and/or technical terms from procedural language, explaining them clearly, and if possible, providing examples to clarify their meaning;
 - avoiding complex questions;
 - repeating important information if needed;

- giving persons time to understand the information;
 - asking the person for feedback, i.e. asking them to say in their own words what they have understood of what has been said; among other aspects.
- ii. Adjusting the pace of proceedings (e.g. short sessions, more frequent breaks if necessary).

Communication rules to consider



- c. Ensure that the **buildings and facilities of the justice system**, including waiting areas, are **accessible, adequate and adapted**.
- i. Consider adapting spaces (e.g. courtroom), when necessary (e.g. layouts where lawyers' positions might require accommodation if they are seated with their backs to the defendant).
 - ii. Ensure that contact with the justice system **is not intimidating** — for example, removing the robes worn by judges, the gowns worn by lawyers, or uniforms worn by members of the security forces, or conducting hearings in smaller rooms, can help create a **less formal and more relaxed atmosphere**.
 - iii. Allow for prior familiarisation with the courtroom, limit attendance to only those individuals essential to the proceedings, introduce and

acknowledge everyone present, and explain their roles and reasons for being there.

- d. According to the Disability Access Bench Book⁶² of the Judicial College of Victoria, Australia, a “support animal” is an animal trained to support persons with disabilities to perform certain tasks or functions. This includes different types of aid. For example, animals that accompany persons with reduced mobility and help them pick up objects, or animals that provide comfort to vulnerable witnesses when they are waiting to give evidence in court. This practice is also currently used in the US and the UK.
 - i. In Portugal, Decree-Law 74/2007, of 27 March, which enshrines the right of persons with disabilities accompanied by support dogs to access public places, transport and establishments, recognises that “the use of support dogs contributes decisively to the autonomy, self-sufficiency and independence of persons with disabilities, as well as to their integration and participation in society”.

Policy Recommendations

- Courts should develop and adopt standards and guidelines that recognise the right of persons with disabilities, including defendants, to have access to procedural accommodations so that they can participate effectively in all stages of the proceedings.
- It is recommended that actors in the justice system and national authorities actively consult and involve persons with disabilities and their representative organisations in the development of guidelines and decisions on procedural accommodations to be made available to persons with disabilities.
- It is recommended that changes be made to national legislation, which should contain clear guidelines on the provision of procedural accommodations — such as

⁶² Disability Access Bench Book do Judicial College of Victoria, Australia. Available at: <https://resources.judicialcollege.vic.edu.au/>

appointing an intermediary/facilitator and providing for appropriate training — in order to ensure the effective implementation of the CRPD in the justice system.

- The State is required to ensure that intermediaries/facilitators are made available in legal proceedings, who can provide meaningful and neutral support for communication and ensure that all relevant information is passed on to the defendant with disabilities, as well as providing them with the relevant resources (financial, human and other).
- It is recommended that a description of duties be created for the role of intermediaries/facilitators which could include the following information: who can be an intermediary/facilitator, requirements to be met, code of ethics, need for neutrality in the process, sanctions to be applied, among other factors.

4.3. Right to information and communication in accessible formats

At every procedural stage, persons with disabilities must be guaranteed not only physical accessibility to security force buildings and the justice system, but also the provision of accessible information through different formats: accessible websites, information in easy-to-read and understand formats, Braille, among others.

4.3.1. Right to information in accessible formats

Portugal concluded that transposing Directive 2012/13/EU on the right to information in criminal proceedings was not necessary. Article 61 of the Code of Criminal Procedure describes all the rights and duties of defendants. However, Article 3 of Directive 2012/13/EU imposes a requirement on Member States to ensure **that suspects and accused persons are informed of their rights "orally or in writing, in plain and easily understandable language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons"** (paragraph 2). The Portuguese Code of Criminal Procedure is not clear regarding the right to receive this information in easy-to-read and understand formats.

4.3.2. Right to communication

The purpose of procedural accommodations is to facilitate effective communication that ensures that persons with disabilities understand their rights and duties, and to enable them to participate in court proceedings.

However, there are still some gaps in the national context. For example, when an individual is formally designated as a defendant through oral or written communication by a judicial authority or by members of the security forces⁶³. The **procedure is the same for persons with and without disabilities, without any kind of accommodation**. It would be important to ensure that this information is made available in accessible formats.

To date, Portuguese law does not provide, as recommended by the UN⁶⁴, for any intermediary/facilitator, i.e. a professional who, as needed, works with the judicial authorities, members of the security forces or law enforcement agencies and lawyers, and persons with intellectual and/or psychosocial disabilities, and ensures that the necessary procedural accommodations are provided, as is the case in other countries (e.g. Spain). This legal loophole could jeopardise the right to participation of defendants with disabilities. However, although the intermediary/facilitator and support person play different roles, informal support (provided by a family member, professional, friend or other person) can be authorised by the competent judicial authority at each stage of the proceedings.

4.3.3. Right to interpretation and translation

The Portuguese Code of Criminal Procedure states that the language of the proceedings must be Portuguese. Thus, to ensure the right to interpretation, an interpreter is appointed if the person is not fluent in Portuguese. In the case of hearing-impaired persons, a sign language interpreter is also available. If the person is unable to speak but can write, the questions are asked verbally, and the responses are given in writing. Otherwise, and where necessary, a suitable interpreter is appointed.

⁶³ Article 58(2) of the Code of Criminal Procedure. Available at: <https://dre.pt/dre/legislacao-consolidada/decreto-lei/1987-34570075>

⁶⁴ UN (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf

Consequently, accessibility of information and communication (e.g. sign language, braille) is ensured for persons with sensory disabilities.

However, the law does not address the provision of information in easy-to-read and understand formats suitable for persons with intellectual and/or psychosocial disabilities.

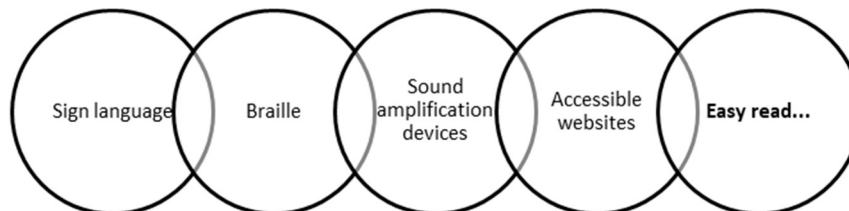
Practical Guidelines

1. All persons with disabilities have the **right to make choices** and **decide for themselves**. To this end, they must have **access to all the relevant information** — from the initial contact with law enforcement authorities — and access to the necessary support for decision-making.
 - Information must be shared with defendants at all stages of the proceedings (before, during and after the trial).
 - Information on (i) existing support resources and procedural accommodations for persons with disabilities; and (ii) how to access these resources should be available and clearly communicated to persons with disabilities.
2. Ensure that persons with disabilities understand their rights and duties.
3. Guarantee that, at all stages of the criminal proceedings, defendants with disabilities receive accessible and understandable information regarding their rights, including (i) the right not to incriminate oneself; (ii) what will happen in legal proceedings; (iii) the rules of places of detention; (iv) knowing that they can count on the support of organisations from the first contact with the justice system.
4. Ensure that the **information communicated to the defendant is clear and accessible**, taking into account their individual communication needs.
 - a. Justice system personnel should have access to a list of **concrete tools, guidelines** and clear examples on how to ensure that information is communicated in a simple and understandable way.

- b. If necessary, the information (including the judgement) should be presented in an **accessible format**.

Guidelines on information in accessible format:

- Provide **adequate training** in communication tools for all professionals working in the justice system.
- Ensure that the **persons who provide communication support** are able to understand — effectively, accurately and impartially — what persons are saying, and have the necessary skills to pass on information, respecting professional and ethical standards;
- **Written information** must be available in **accessible formats**. The actors in the justice system must ensure that documents are produced in **easy-to-read and understand formats** and that they are accessible.
- Provide **intermediaries and/or facilitators** to aid communication;
- Ensure that information on court proceedings, including notices requiring a response or action (e.g. subpoenas, warrants, orders and judgements), is made available in an **accessible format**⁶⁵.



- Ensure that defendants with disabilities have access to any form of communication support⁶⁶ necessary for their full participation at all stages of the proceedings. For example:
 - Hearing assistance systems and devices;
 - Subtitling;

⁶⁵ Accessible formats include: Sign language; video and audio guides; telephone advice and referral services; accessible websites; audio induction broadcasting systems (e.g. sound system used by persons with hearing aids); subtitles; Braille; easy to read; plain language; facilitated communication; and sound amplification devices and document magnifiers.

⁶⁶ These include: assistive listening systems and devices; open, closed and real-time subtitling, and closed captioning decoders and devices; voice, text- and video-based telecommunications products; videotext displays; real-time computer-aided transcription; screen-reading software, magnification software; among others.

- Computer-assisted real-time transcription;
- Screen reading software, magnification software and optical readers;
- **Provide legal professionals with tools to effectively communicate with persons with intellectual and/or psychosocial disabilities.** For example:
 - a. [Pictograms](#)⁶⁷ (see [example of an easy-read document](#)⁶⁸)
 - b. [Communication board](#)⁶⁹
 - c. Guidelines on [easy read](#)⁷⁰
 - d. How to create a [social story](#)⁷¹ ([example](#)⁷²).

4.4. Right to access to a lawyer and legal aid

Portuguese legislation formally guarantees **legal aid** to suspects and defendants in criminal proceedings. In Portugal, all natural and legal persons who cannot afford to pay for access to justice and the courts are entitled to legal advice or legal aid. In

⁶⁷ Aragonese Center of Augmentative and Alternative Communication (ARASAAC). Available at: <https://arasaac.org/>.

Augmentative and Alternative Communication Systems (AACs) are forms of expression that differ from spoken language and are designed to compensate for the communication and language difficulties of many persons with disabilities. For example, they can be used to better communicate with persons with cerebral palsy, intellectual disabilities, autism spectrum disorders, neurological diseases such as amyotrophic lateral sclerosis, multiple sclerosis or Parkinson's disease, muscular dystrophies, traumatic brain injuries, aphasia.

⁶⁸ UN (2020). *International Principles and Guidelines on access to justice for persons with disabilities - Easy to Read version*. Available at: https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-easy-en.pdf

⁶⁹ Access Ability Australia. Communication Boards. Available at: <https://accessabilityaustralia.com/staging/wp-content/uploads/2023/10/City-of-Mandurah-Workshops-and-Meetings-Communication-Board-V1.pdf> — Communication boards use symbols to share ideas, desires, needs and thoughts, facilitating communication for persons with intellectual disabilities, autism spectrum disorders, learning difficulties, traumatic brain injuries, dementia or hearing impairment.

⁷⁰ Mencap (2002). *Am I making myself clear? Mencap's guidelines for accessible writing* (2002). Available at: <https://www.elft.nhs.uk/sites/default/files/2022-03/Am%20I%20Making%20Myself%20Clear%20-%20Mencap%27s%20Guidelines%20for%20Accessible%20Writing.pdf>

⁷¹ Social stories help persons react to social situations that can be difficult, such as appearing in court, being arrested or detained. They are usually used to communicate with persons with autism spectrum disorders. More information is available at: <https://paautism.org/resource/create-a-social-story/>

⁷² Access Ability Australia (AAA). *The Capital. Social Story*. Available at: accessabilityaustralia.com/staging/wp-content/uploads/2023/06/A-visit-to-The-Capital-Social-Story-V1.pdf

particular, the defendant is exempted from paying the court fee in advance and is obliged to make the final payment after the final judgment has been handed down and only if he/she has been convicted and has not applied for legal aid or has applied for legal aid but has been refused.

However, it can be observed, for example, that persons undergoing involuntary treatment often share experiences indicating that their contact or dialogue with lawyers was very sporadic or practically non-existent (even though a lawyer was appointed for the case), and that what they had to say was not heard.⁷³

Practical Guidelines and Recommendations

- Although the right to **legal aid** is guaranteed in Portugal, it is important to strengthen the existing guidelines outlined in the Statutes of the Portuguese Bar Association for lawyers and defence lawyers to ensure effective pre-trial communication with persons with disabilities.
- In criminal or other cases involving persons with intellectual and/or psychosocial disabilities, legal representation must be provided from the start. As soon as the person is accused or at least subjected to questioning, whether before a public prosecutor or a law enforcement agency, a defence lawyer must be appointed (either a private lawyer or one appointed by the Social Security system under the Legal Aid regime), if no lawyer is appointed.
 - Defendants must be informed of their **right to have access to a lawyer**.
 - When a person is detained or there is a risk of detention, effective access to a lawyer and legal aid must be considered as a matter of urgency.
 - It is recommended that the **same lawyer** be present at all stages of the proceedings.
 - Make procedural accommodations available to lawyers — such as interpreters, assistive technologies and intermediaries/facilitators, or other accommodations — to provide the necessary conditions for them to

⁷³ FENACERCI (2023). *Report on the barriers faced by defendants with intellectual and/or psychosocial disabilities in the criminal justice system in Portugal*. Available at: https://www.fenacerci.pt/docs/ENABLE_Relatorio-Portugal-5.pdf

communicate effectively with persons with disabilities in the exercise of their professional duties.⁷⁴

- Promote **specialised training, particularly in the context of ongoing training promoted by the Portuguese Bar Association**, and awareness-raising actions on the rights of persons with disabilities and procedural accommodations aimed at lawyers.

4.5. The right to be present at the trial and the presumption of innocence

- Ensure that the right to be present at the trial and defend oneself is respected when it comes to defendants with disabilities.
 - Guarantee that contacts with the justice system is not intimidating for persons with disabilities. If necessary, adapt the courtroom or other spaces where the proceedings may take place, for example, removing robes/gowns, among other accommodations, in order to make the surroundings less formal and less intimidating.
- Carefully analyse the situations in which remote listening may be appropriate or inappropriate, respecting the person's wishes and preferences or seeking the "best interpretation of wishes and preferences" when the person cannot express them directly.
 - If hearings are held remotely, ensure that the technical resources are in place (e.g. a good Internet connection) and that there is adequate training to use the relevant IT tools.
- According to the Code of Criminal Procedure,⁷⁵ **the hearing of defendants must take place in person** in court, and it does not provide for the possibility of the defendant participating remotely. However, in specific cases, when duly specified, witnesses or experts (e.g. psychiatrists or other doctors) may testify using appropriate means of remote communication, such as teleconferencing, video calls

⁷⁴ ENABLE Project — Czechia Report (2023). Available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-briefing-papers/>

⁷⁵ Article 194 of the Code of Criminal Procedure.

or similar methods⁷⁶. When hearings are held remotely, it is important to ensure access to procedural accommodations:

- The participation of intermediaries/facilitators, if applicable;
- Provision, if necessary, of communication support also at remote hearings, including through third parties, for example: note takers, sign language interpreters, among others;
- Ensure that, during a remote hearing, the role of each participant in the hearing is clear to everyone, including the defendant with disabilities.
- Ensure that the pace of the procedures is appropriately adjusted (e.g. shorter sessions or more frequent breaks).

⁷⁶ Article 318 of the Code of Criminal Procedure.

05

ANNEXES

5.1. Understanding the experience of disability: Examples and accommodations

Disability is described by the Convention on the Rights of Persons with Disabilities as an "evolving concept" that includes, among other persons, "those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others".⁷⁷

This annex provides a non-exhaustive list of conditions. The aim is to provide general information regarding disability and the experience of mental illness that can be useful for professionals working in the field of justice to ensure the full participation of persons with disabilities in legal proceedings. In order to identify whether adjustments or accommodations are necessary, it is important to assess the person and their context on a case-by-case basis.

Acquired Brain Damage

Acquired Brain Damage refers to any injury that occurs in the brain, which is neither congenital nor degenerative and is caused by internal or external events. Examples of internal events include strokes, tumours and infections, while external events include traumatic brain injuries (TBIs).

TBI is a temporary or permanent brain impairment caused by an impact between the skull and an external force, such as a fall or being struck by a projectile. A head trauma of considerable severity results in an altered state of consciousness. Symptoms are related to the area of the brain affected and can be motor, such as paralyses, or sensory, visual, etc. There are often cognitive consequences such as memory impairment, trouble concentrating, headaches, among many others.⁷⁸

Examples of accommodations: using technology, using clear and accessible language, repeating some information and concepts, giving more time to respond,

⁷⁷ Convention on the Rights of Persons with Disabilities, Preamble (e).

⁷⁸ Associação Novamente - <https://novamente.pt/dano-cerebral-adquirido/>

taking breaks more often, shorter sessions, adjusting the start time, promoting a calm environment.⁷⁹

Attention Deficit Hyperactivity Disorder (ADHD)

Attention Deficit Hyperactivity Disorder is very common in children, but it also affects many adults. Symptoms include lack of attention, inability to focus, hyperactivity (e.g. impatient, agitated, energetic) and impulsivity⁸⁰. Persons with ADHD often find it difficult to pay attention to detail and may have trouble concentrating and listening to the judge.⁸¹

Examples of accommodations: giving simple directions or instructions, using short sentences, not asking for overly complex details; allowing notes to be taken. Frequent breaks, summaries, allowing persons to respond in writing to written questions; being heard in rooms where outside noise or any distracting stimuli are minimised⁸².

Autism Spectrum Disorder (ASD)

Autism is not a disease. Autism is a neurodevelopmental condition, which means that these persons' brains are different. There is no diagnosis of "high-functioning autism" and the diagnosis of Asperger's Syndrome ceased to exist from 2022. The correct diagnosis is Autism Spectrum Disorder (ASD), which may be associated with increasing levels of need (ranging from level one to three, depending on the amount of support required). Autism is lifelong and it's a spectrum. Some of the difficulties experienced by persons with ASD are: difficulty with emotional reciprocity, i.e. starting a conversation with other persons, maintaining the flow of conversation, sharing interests and interacting socially; difficulty with non-verbal communication, or difficulty

⁷⁹ Judicial College. (2023). *Equal Treatment Bench Book* (p. 388). Available at: <https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf>

⁸⁰ Informemente - https://www.adeb.pt/files/upload/guias/guia-informe_mente-201609.pdf

⁸¹ Judicial College. (2023). *Equal Treatment Bench Book* (p. 392). Available at: <https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf>

⁸² Judicial College. (2023). *Equal Treatment Bench Book* (p. 392). Available at: <https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf>

understanding, decoding and replicating body language, eye contact, facial expressions, gestures, etc. difficulties in developing, maintaining and understanding relationships; stereotyped or repetitive motor movements, or use of objects or speech, in a repetitive and constant way; need to maintain routines or ritualised patterns of verbal or non-verbal behaviour; different intensity and focus on specific interests (for example, trains, politics, animals, books or something specific like an insect's characteristic behaviour); hyper- or hypo-sensitivity, which are characterised by low or high reactivity to sensory stimuli, such as sound, light, touch, taste, pain or any sensory experience⁸³.

Examples of accommodations: use simple, easy-to-understand language; clear, direct questions; use a calm tone of voice; more time to answer; regular pauses; avoid sarcasm, avoid too many gestures. If eye contact is avoided, do not consider this to be disrespectful⁸⁴; a quiet room, adjust the lights if necessary; allow the person to choose where to sit⁸⁵.

Cerebral Palsy

Cerebral Palsy refers to a group of disorders affecting motor control and posture, resulting from a non-progressive injury to the central nervous system that occurs during development. The injury can occur at birth or during the perinatal period. It doesn't worsen or progress, but it does limit activity. The most visible disability is a motor disability that makes mobility difficult. Persons with cerebral palsy often have problems walking and/or using their arms and hands properly. Other changes that result from brain damage include, for example, problems with cognition, communication, perception, attention, concentration and/or epilepsy.

Examples of accommodations: ensure physical accessibility to the courts, including courtrooms and toilets; allowing the use of communication aids and devices if cerebral

⁸³ Voz do Autista - <https://vozdoautista.pt/ser-autista/>

⁸⁴ Judicial College of Victoria. (2023). Disability Access Bench book (pp. 74-75; section 7.3.). Available at: <https://resources.judicialcollege.vic.edu.au/article/1053839/section/843576>

⁸⁵ Judicial College. (2023). *Equal Treatment Bench Book* (p. 398). Available at: <https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf>

palsy affects communication skills; taking frequent breaks; allowing the participation of support persons if requested⁸⁶.

Deafblindness

Deafblindness is the simultaneous loss of sight and hearing, and the degree of severity can vary. In Portugal there are few studies characterising this population. However, a study carried out in 2015 concluded that, of the population surveyed, "a large proportion are born or become deafblind by the age of two and have impairments in terms of blindness and profound deafness"⁸⁷.

Examples of accommodations: Provision of interpreters for deafblind persons, who interpret and translate into sign language in its tactile form, using alternative methods of communication if necessary. It may be necessary to provide an interpreter-guide who also takes on the role of a guide, in order to ensure the orientation and mobility of the deafblind person⁸⁸.

Dementia

Dementia syndrome is characterised by a range of symptoms that reflect a continuous and typically progressive decline in higher cognitive functions. These symptoms include, but are not limited to, memory loss, reduced mental acuity, diminished executive functions, difficulties expressing oneself, and challenges with comprehension and judgment. The most common forms of dementia are Alzheimer's disease and vascular dementias⁸⁹. Dementia can impact persons in various ways and with varying degrees of severity. Good practices: assess each specific situation

⁸⁶ Judicial College of Victoria. (2023). Disability Access Bench book (p. 79; section 7.5.). Available at: <https://resources.judicialcollege.vic.edu.au/article/1053839/section/843576>

⁸⁷ Gaspar, T., Rebelo, A., Antunes, M., Martinho, F., Liques da Silva, P., Oliveira, A., & Branquinho C. (2015). A surdocegueira em Portugal: caracterização da população segundo a idade e sexo. Revista de Estudos Demográficos, pp. 27-38. Available at: https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_estudos&ESTUDOSest_boui=228354747&ESTUDOSmodo=2

⁸⁸ Code of Ethics and Deontology for Portuguese Sign Language Interpreters. Available at: https://anapilg.pt/wp-content/uploads/2019/07/C%C3%B3digo-de-%C3%89tica-e-Deontol%C3%B3gico-do-ILGP_-ANAPI-LG.pdf

⁸⁹ Informemente - https://www.adeb.pt/files/upload/guias/guia-informe_mente-201609.pdf

(specific type of dementia and personal circumstances) and establish the necessary accommodations.

Examples of accommodations: allowing regular pauses, speaking calmly and slowly, in an appropriate tone; allowing the presence of a support person who supports participation in the hearing.⁹⁰

Dual Diagnosis

The term Dual Diagnosis was first adopted in the field of addictive behaviours to indicate the co-occurrence of substance use disorders and other types of disorder. However, it has also been used to describe the coexistence of intellectual disability and a mental disorder. Individuals with a dual diagnosis are often more vulnerable, stigmatised and marginalised.

Hearing disability

Hearing disability is the total or partial inability to hear. Some persons in the deaf community don't consider deafness to be a disability, even though they consider themselves to be a minority group in cultural and linguistic terms.⁹¹

Good practices: choose a quiet room with good lighting; speak to persons calmly and slowly (allowing time for translation) and make eye contact with the deaf person. There are different national sign languages, so it is important to tailor the provision of an interpreter according to nationality.⁹²

⁹⁰ Judicial College. (2023). *Equal Treatment Bench Book* (pp. 395-396). Available at: <https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf>

⁹¹ Judicial College of Victoria. (2023). Disability Access Bench book (pp. 80-81; section 7.6.). Available at: <https://resources.judicialcollege.vic.edu.au/article/1053839/section/843576>

⁹² Judicial College. (2023). *Equal Treatment Bench Book* (pp. 421-424). Available at: <https://www.judiciary.uk/wp-content/uploads/2023/06/Equal-Treatment-Bench-Book-April-2023-revision.pdf>

Examples of accommodations: providing a sign language interpreter; allowing a support person to be present if requested; maintaining eye contact and giving the necessary time to respond⁹³.

Intellectual Disability

Intellectual disability is a condition characterised by limitations in intellectual functioning and adaptive behaviour that arise during childhood or adolescence. Intellectual functioning refers to abilities related to learning, thinking, reasoning and problem-solving. Adaptive behaviour refers to the social, conceptual and practical skills that are learned and applied on a daily basis. Children with intellectual disabilities may have more difficulty learning and expressing their needs and may present slower development in some areas⁹⁴.

Examples of accommodations: use clear and accessible language; give preference to small rooms; introduce/acknowledge the persons in attendance and provide the rationale for their presence; allow prior familiarisation with the courtroom, or place where the proceedings will take place; promote a quiet and informal atmosphere; if requested, allow the presence of a support person, chosen by person with disabilities; allow time to answer; rephrase questions, if necessary; do not use complex sentences; among others.

Mental Disorder / Psychosocial Disability⁹⁵

Mental disorders arise from multiple causes and are the result of a variety of genetic, biological and psychological factors, adverse social conditions and/or other environmental factors. They manifest themselves through psychological symptoms and interfere with thinking, emotions and behaviour, as well as the interpretation of reality and the ability to relate to others.

⁹³ Judicial College of Victoria. (2023). Disability Access Bench book (pp. 80-81; section 7.6.). Available at: <https://resources.judicialcollege.vic.edu.au/article/1053839/section/843576>

⁹⁴ HUMANITAS - <https://humanitas.org.pt/deficiencia-intelectual/definicao>

⁹⁵ WHO (2022). *World mental health report: transforming mental health for all*. Available at: <https://www.who.int/publications/i/item/9789240049338>

Severe mental disorders are referred to as serious mental disorders when they significantly impact a person's daily life, leading to impaired ability to manage everyday situations and affecting their social interactions, employment, or family dynamics.

The most common psychological symptoms include hallucinations (seeing, hearing, feeling something that doesn't exist in reality), delusions (false thoughts, distorted from reality), disturbed thinking (accelerated or slow), apathy, emotional dullness, anxiety, depression, attention and concentration difficulties.

Today, the favourable prognosis of mental disorders is largely attributed to the effectiveness of medication and the dedication to services that provide psychosocial rehabilitation and support for the community integration of persons with mental health challenges. Studies show that, despite the challenges and limitations imposed by the disorder, many persons learn to live effectively and engage actively in their communities, the labour market, and their family lives.

We must always take into account each person's uniqueness, assess their support needs, obtain informed consent, and actively involve them in shaping their treatment and integration plan.

Examples of accommodations: use clear and accessible language, clearly explain the purpose of the hearing, allow video calls or give preference to small rooms, allow prior familiarisation with the courtroom, limit attendance to the minimum number of persons necessary, introduce/acknowledge the persons present and provide a rationale for their presence, promote a quiet and as informal atmosphere to the extent that is possible, allow the presence of a trusted person whenever requested, allow breaks whenever requested, allow time to respond and reassure whenever necessary, promote active listening and clarification techniques ("What do you mean by..." by repeating what was said or "Are you saying..." by rephrasing what was said)...." repeating what has been said or "Are you saying that..." rephrasing what has been said), allow the proceedings to be postponed for medical reasons.

Visual Disability

Generally, persons with visual disability often retain some degree of vision, even if they are clinically blind. Some only perceive light, but they can use this ability to locate a door or check that the lights have been switched off before leaving the room. Other persons see shadows; others can see quite well at night but are very sensitive to daylight; some can get around independently but can't read because part of their retina

is damaged. Currently, the term "persons with visual disabilities" is the most widely used. The terms "blind" and "amblyope" were used for a long time to distinguish persons who were not able to see anything or almost anything at all from those who still had some residual vision to help them in their daily lives. However, it is now considered that in many cases the difference between the two concepts is too small, and the term "persons with visual disabilities" is used to encompass all cases, with particular focus on the term "persons"⁹⁶.

Examples of accommodations: making documents available in accessible formats (e.g. Braille — a system for reading and writing using raised characters); if necessary, support and guidance, adjustments in the courtroom; if requested, allowing the presence of support persons; allowing the presence of a guide dog⁹⁷, as well as familiarisation with the physical space. Examples of good practice for judges and legal professionals: introduce yourself before speaking and ask what accommodations they consider necessary⁹⁸.

Trisomy 21

Trisomy 21 (or Down's Syndrome) is characterised by the existence of an additional chromosome in pair 21. This genetic alteration results in developmental delays and may be accompanied by related health problems. This doesn't mean that every person has health problems. It is known, however, that statistically its incidence is higher⁹⁹. Persons with trisomy 21 are all different and, as a result, we can observe very different physical and cognitive abilities. These differences are often confused with degrees¹⁰⁰.

Examples of accommodations: use of clear and accessible language; communication aids or the help of a support person.¹⁰¹

⁹⁶ ACAPO - <https://www.acapo.pt/deficiencia-visual/perguntas-e-respostas/deficiencia-visual>

⁹⁷ Decree-Law no. 74/2007, of 27 March — Establishes the right of persons with disabilities accompanied by assistance dogs to access public places, public transport and establishments open to the public.

⁹⁸ Judicial College of Victoria. (2023). Disability Access Bench book (pp. 77-78; section 7.4.). Available at: <https://resources.judicialcollege.vic.edu.au/article/1053839/section/843576>

⁹⁹ Associação Pais21 – Down Portugal - <https://pais21.pt/o-que-e-a-trissomia/>

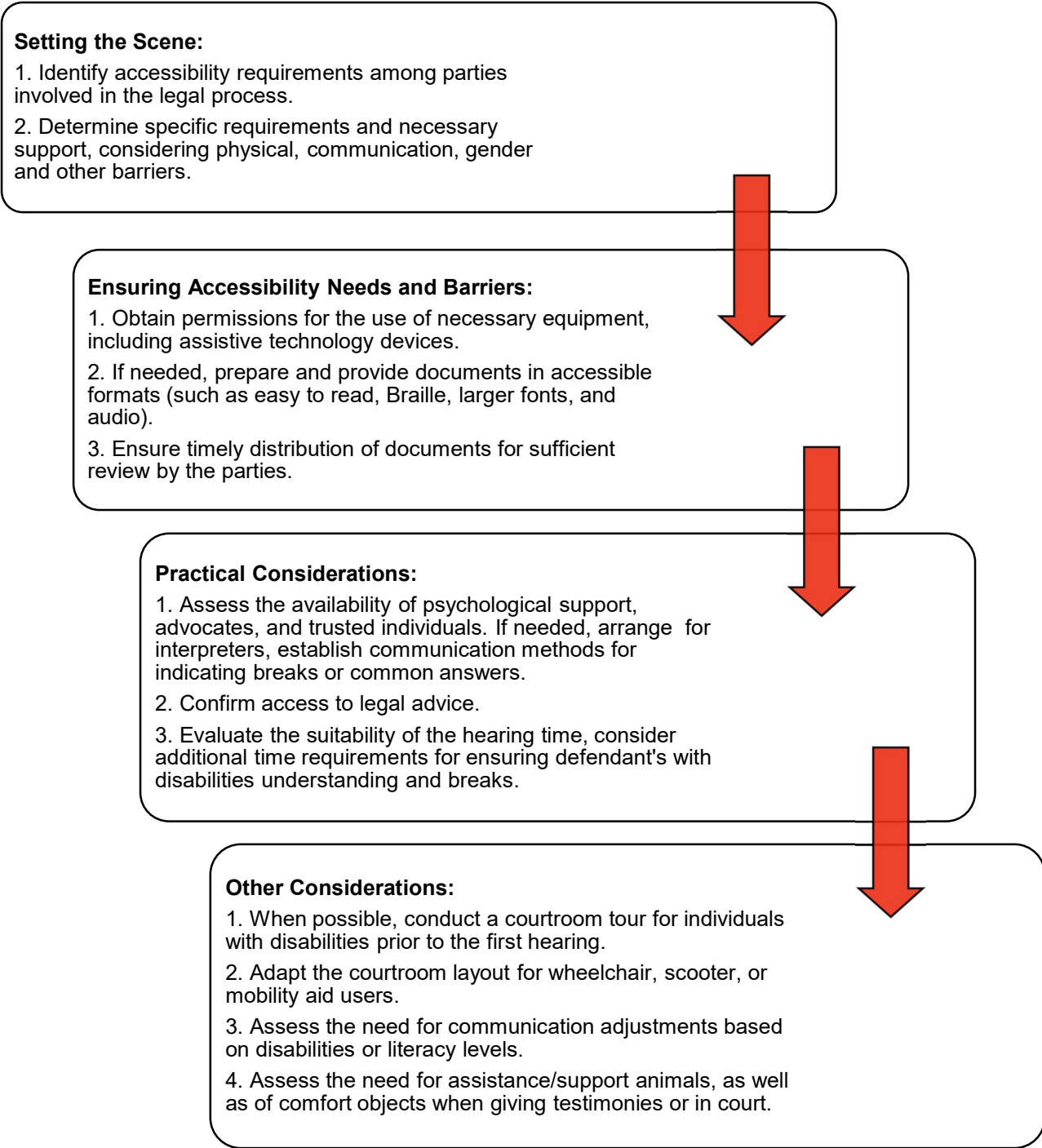
¹⁰⁰ Judicial College of Victoria. (2023). Disability Access Bench book (p. 83; section 7.9.). Available at: <https://resources.judicialcollege.vic.edu.au/article/1053839/section/843576>

¹⁰¹ Judicial College of Victoria. (2023). Disability Access Bench book (p. 83; section 7.9.). Available at: <https://resources.judicialcollege.vic.edu.au/article/1053839/section/843576>

5.2. Steps for making accommodations available in criminal proceedings

In order to ensure the equal participation of persons with disabilities in court proceedings, it is essential to identify barriers that have been experienced and accommodations that need to be made in advance. By taking the following steps/stages into consideration, justice actors are making a significant contribution to eliminating barriers and promoting the right to justice of persons with disabilities.

Table 1: Description of the element below.



5.3. Checklist for Criminal Justice Professionals working with defendants with intellectual and psychosocial disabilities in criminal proceedings

The defendant's right to proceedings on an equal basis with others must be respected from the initial contact by law enforcement agents and throughout all proceedings, through access to procedural accommodations. Just as certain groups, such as minors (under 18 years old), already benefit from procedural accommodations — both *de jure* and *de facto* — to ensure their effective participation in criminal proceedings, persons with disabilities also require similar measures.

Assessment of accommodation needs

- Does the defendant/person have a disability? If so, what accessibility measures and accommodations are needed? These support measures should be determined before the procedures begin and should be gender- and age-appropriate (see 4.2.1 Individual assessment).
- Was the defendant/person with disabilities contacted as soon as possible to determine the necessary accommodations and to be informed regarding the right to proactively benefit from procedural accommodations throughout the proceedings? (See 4.3. Right to information and communication in accessible formats).

Support person

- Has the person with disabilities been informed about their right to be assisted by a support/trust person they can freely choose? (See 4.2.2. Provision of procedural accommodations)
- Has the support person been informed regarding the case against the defendant with disabilities and has direct contact between the two been facilitated?

Information and communication support considerations

- Is the language used to communicate with the defendant with disabilities simple and easy to understand?

- Was an intermediary/facilitator provided at no cost to the defendant with disabilities to help with communication throughout the proceedings? (See 4.2.2. Provision of procedural accommodations)
- Has the defendant with disabilities been asked if they can hear what is being asked or discussed, including in the courtroom?
- Is the pace of speech adequate for the defendant to fully understand what is being communicated? Has the person been asked if they need breaks or shorter sessions? (See 4.2.2. Provision of procedural accommodations)
- Were the defendant with disabilities and the support person asked about communication methods and possible accommodations before the proceedings began?
- Have assistive technologies or other relevant communication aids (including interpreters) been made available to support defendants with disabilities at all stages of the proceedings, to the extent necessary for their full participation? (See 4.3.3. Right to interpretation and translation)

Considerations on access to information

- Has information (e.g. documents and forms) been made available in suitable accessible formats? This can include Easy Read, Braille, larger fonts and audio (See 4.3.3. Right to interpretation and translation)
- Were the documents provided in a timely manner before the hearing (and in the appropriate accessible format) allowing sufficient time for the materials to be read and understood?

Physical accessibility considerations

- Is the venue accessible to persons using wheelchairs or other mobility aids?
- Have accommodations been made to minimize the intimidating nature of the environment, particularly in a court setting? This might include removing gowns

or robes, using a smaller room, or allowing comfort objects for the person with disabilities. (See 4.5. Right to be present at the trial and to the presumption of innocence)

- Does the person use a support dog or other support animal?¹⁰² If so, have rules been defined for taking breaks (drinking water, etc.)? Has the support animal been allowed to drink water?

Legal aid

- Has the defendant been informed about their right to a lawyer and the rules ensuring free legal aid?
- Was the person given access to a lawyer or free legal aid from the initial contact with the judicial authorities and throughout the proceedings? (See 4.4 Right of access to a lawyer and legal aid)
- Has the lawyer received procedural accommodations, such as interpreters, assistive technologies, intermediaries/facilitators, or others, to ensure effective communication with the defendant with disabilities throughout the proceedings?

Participation in the trial

- Was the person's preference prioritised when considering remote or in-person participation in the trial? (not applicable in criminal cases)
- In the case of remote hearings, it has been ensured that defendants with disabilities have equal access to all necessary procedural accommodations as in in-person hearings (see 4.5. The right to be present at the trial and the presumption of innocence).

¹⁰² According to the [Disability Access Bench Book of the Judicial College of Victoria](#), Australia, a support animal is an animal that is trained to perform tasks or functions that assist persons with disabilities. These animals are trained to assist with tasks such as supporting mobility, aiding persons during seizures, or providing comfort to vulnerable witnesses while they wait to make a statement in court or via a remote hearing. This practice is also used in the US and the UK.

5.4. Directory of disability organisations¹⁰³

A Nossa História - Associação de Pais de Apoio a Pessoas com Necessidades Especiais
AACCB - Associação de Apoio à Criança do Distrito de Castelo Branco
AADID - Associação dos Amigos das Deficiências Intelectuais e Desenvolvimentais
AADVDB - Associação de Apoio aos Deficientes Visuais do Distrito de Braga
AAJUDE - Associação de Apoio à Juventude Deficiente
AAMA - Associação de Atividade Motora Adaptada
AAPACDM - Associação Algarvia de Pais e Amigos de Crianças Diminuídas Mentais
AAQ - Associação Amigos dos Queimados
ACAPO - Associação de Cegos e Amblíopes de Portugal
ACASO - Associação Cultural e de Apoio Social de Olhão
ACIP - Ave Cooperativa de Intervenção Psico-Social, CRL
ACSA - Associação Cultural de Surdos da Amadora
ACSA - Associação Cultural de Surdos de Águeda
ADAPECIL - Associação de Amor para a Educação de Cidadãos Inadaptados da Lourinhã
ADAPTABLE - Associação para a Integração de Pessoas com Necessidades Especiais
Addapters Enable - Associação
ADEB – Associação de Apoio aos Doentes Depressivos e Bipolares
ADFA - Associação de Deficientes das Forças Armadas
ADLUPUS – Associação dos Doentes com Lupus
ADM Estrela – Associação Social e Desenvolvimento
ADRP – Associação dos Doentes Renais de Portugal
ADZC - Associação de Diabéticos da Zona Centro
AEIPS - Associação para o Estudo e Integração Psicossocial
AERID - Associação Educar, Reabilitar, Incluir Diferenças
AETB - Associação de Equitação Terapêutica de Braga
AFACIDASE - Associação de Familiares e Amigos do Cidadão com Dificuldade de Adaptação da Serra da Estrela
AFAS - Associação de Famílias e Amigos dos Surdos
AFEHVC - Academia de Formação Equestre e Hipoterapia de Valongo e Campo
AFID - Associação Nacional de Famílias para a Integração da Pessoa com Deficiência
AFPAD - Associação Famalicense de Prevenção e Apoio à Deficiência
AFUA - Associação de Familiares, Utentes e Amigos do Hospital Magalhães Lemos
AHPV - Associação Hípica e Psicomotora de Viseu
AIA - Associação para a Inclusão e Apoio ao Autista
AIJA - Associação para Inclusão de Jovens e Adultos
AIPNE - Associação para a Integração de Pessoas com Necessidades Especiais

¹⁰³ Non-Governmental Organisations of Persons with Disabilities registered. Available at: <https://www.inr.pt/ongpd-registadas>

AIREV - Associação para a Integração e Reabilitação Social de Crianças e Jovens Deficientes de Vizela
ALADI - Associação Lavrense de Apoio ao Diminuído Intelectual
ALDAF - Associação Lousadense dos Deficientes dos seus Amigos e Familiares
AMAR e Partilhar 21 - Associação de Apoio a Pessoas Especiais
AMAR 21 - Associação de Apoio à Trissomia 21
AMORAMA - Associação de Pais e Amigos de Deficientes Profundos
ANACED – Associação Nacional de Arte e Criatividade de e para Pessoas com Deficiência
ANARP - Associação Nova Aurora na Reabilitação Psicossocial
ANDAI - Associação Nacional dos Doentes com Artrites e Reumatismos da Infância
ANDO Portugal - Associação Nacional de Displasias Ósseas
ANDST – Associação Nacional de Deficientes Sinistrados do Trabalho
ANEA - Associação Nacional da Espondilite Anquilosante
ANEM - Associação Nacional de Esclerose Múltipla
ANGEL – Associação Síndrome de Angelman Portugal
ANICDV - Associação Nacional para a Inclusão dos Cidadãos com Deficiência Visual
ANPAR - Associação Nacional de Pais e Amigos Rett
APAC - Ass. de Pais e Amigos de Crianças de Barcelos
APACI - Associação de Pais e Amigos das Crianças Inadaptadas (Barcelos)
APADP - Ass. de Pais e Amigos de Deficientes Profundos
APAH - Associação Pais e Amigos Habilitar
APARSIN - Associação Portuguesa de Apoio e Reabilitação Sénior de Intervenção Neurológica
APATRIS 21 – Associação de Portadores de Trissomia 21 do Algarve
APC Braga - Associação de Paralisia Cerebral de Braga
APC Coimbra – Associação de Paralisia Cerebral de Coimbra
APC Viseu – Associação Paralisia Cerebral de Viseu
APCA- Associação Portuguesa da Classe Access
APCAS - Associação de Paralisia Cerebral de Almada - Seixal
APCL Lisboa - Associação de Paralisia Cerebral de Lisboa
APCVC - Associação Paralisia Cerebral Viana do Castelo
APCVR - Associação Paralisia Cerebral Vila Real
APD – Associação Portuguesa de Deficientes
APDP - Associação Protetora dos Diabéticos de Portugal
APEC - Associação Promotora do Ensino de Cegos
APECI - Associação para a Educação de Crianças Inadaptadas
APELA - Associação Portuguesa de Esclerose Lateral Amiotrófica
APERCIM - Associação para a Educação e Reabilitação de Crianças Inadaptadas de Mafra
APEXA – Associação de Apoio à Pessoa Excecional do Algarve
APFADA – Associação Portuguesa de Familiares e Amigos de Doentes de Alzheimer
APH - Associação Portuguesa de Hemofilia e de outras Coagulopatias Congénitas

APIR - Associação Portuguesa de Insuficientes Renais
APN – Associação Portuguesa de Doentes Neuromusculares
Apo - Associação Portuguesa de Ostomizados
APOFEN - Associação Portuguesa de Fenilcetonúria e Outras Doenças Metabólicas
APOI - Associação Portuguesa de Osteogenese Imperfeita
APPACDM Albergaria-a-Velha - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Albergaria-a-Velha
APPACDM Anadia - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Anadia
APPACDM Aveiro - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Aveiro
APPACDM Braga - Associação Portuguesa Pais e Amigos do Cidadão Deficiente Mental de Braga
APPACDM Castelo de Paiva
APPACDM Coimbra -Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Coimbra
APPACDM Covilhã - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental da Covilhã
APPACDM Elvas - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Elvas
APPACDM Évora - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Évora
APPACDM Figueira da Foz - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental da Figueira da Foz
APPACDM Fundão - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental do Fundão
APPACDM Lisboa - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Lisboa
APPACDM Maia - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental da Maia
APPACDM Marinha Grande - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental da Marinha Grande
APPACDM Matosinhos - Associação Portuguesa de Pais e Amigos do Cidadão com Deficiência Mental de Matosinhos
APPACDM Mirandela - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Mirandela
APPACDM Moura - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Moura
APPACDM Portalegre - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Portalegre

APPACDM Porto - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental do Porto

APPACDM Santarém - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Santarém

APPACDM Setúbal - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Setúbal

APPACDM Soure - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Soure

APPACDM Trofa - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental da Trofa

APPACDM Valpaços - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Valpaços

APPACDM Viana do Castelo - Associação Portuguesa de pais e Amigos do Cidadão Deficiente Mental de Viana do Castelo

APPACDM Vila Nova de Gaia - Associação Portuguesa de pais e Amigos do Cidadão Deficiente Mental de Vila Nova de Gaia

APPACDM Vila Real - Sabrosa - Associação Portuguesa de pais e Amigos do Cidadão Deficiente Mental de Vila Real Sabrosa

APPACDM Viseu - Associação Portuguesa de Pais e Amigos do Cidadão Deficiente Mental de Viseu

APPC Évora - Associação Paralisia Cerebral de Évora

APPC Faro - Associação Portuguesa de Paralisia Cerebral de Faro

APPC Guimarães - Associação Portuguesa Paralisia Cerebral de Guimarães

APPC Leiria - Associação Portuguesa de Paralisia Cerebral - Núcleo Regional

APPC Odemira - Associação Paralisia Cerebral de Odemira

APPC Porto - Associação Paralisia Cerebral do Porto

APPDA Algarve - Associação Portuguesa para a Perturbações do Desenvolvimento e Autismo

APPDA Coimbra - Associação Portuguesa para a Perturbações do Desenvolvimento e Autismo

APPDA Leiria - Associação Portuguesa para o Desenvolvimento e Autismo de Leiria

APPDA Lisboa - Associação Portuguesa para a Perturbações do Desenvolvimento e Autismo

APPDA Norte - Associação Portuguesa para as Perturbações do Desenvolvimento e Autismo - Norte

APPDA Setúbal - Associação Portuguesa para a Perturbações do Desenvolvimento e Autismo

APPDA Viseu – Associação para a Perturbações do Desenvolvimento e Autismo

Associação Portuguesa de Portadores de Trissomia 21 (APPT21)

APS – Associação Portuguesa de Surdos - Delegação de Lisboa

APSA - Associação Portuguesa de Síndrome de Asperger
APSCDFA - Associação de Promoção Social Cultural e Desportiva de Fornos Algodres
APTEC Seculo XXI - Associação Portuguesa de Terapias Equestres e Complementares 'Seculo XXI'
ARCIAL - Ass. Recuperação Crianças Inadaptadas de Oliveira do Hospital
ARCIL - Associação para Recuperação de Cidadãos Inadaptados da Lousã
ARCSS - Associação Recreativa Cultural e Social de Silveirinhos
ARIA - Associação de Reabilitação e Integração Ajuda
ARP - Associação de Retinopatias de Portugal
ARTENAVE, Atelier – Associação de Solidariedade
ASA - Associação de Surdos do Algarve
ASAD - Associação Social de Apoio à Deficiência
ASAE - Associação de Surdos da Alta Estremadura
ASBIHP – Associação Spina Bífida e Hidrocefalia de Portugal
ASCTE - Associação Sócio-Cultural Terapêutica de Évora
ASCUDT - Associação Sócio-Cultural dos Deficientes de Trás os Montes
ASFP - Associação Sanfilippo Portugal
ASGVA - Associação de Surdos de Guimarães e Vale do Ave
ASLCascais - Associação de Surdos da Linha de Cascais
ASMAL – Associação de Saúde Mental do Algarve
ASP - Associação de Surdos do Porto
Associação AlmaSã - Centro de Educação Especial de Almada
Associação Centro de Vida Independente
Associação Comunidade Filhos sem Voz
Associação da Casa do Povo de Alvaiázere
Associação da Creche de Braga - Centro Novais e Sousa
Associação de Solidariedade Social de Espadanedo
Associação de Surdos de Évora
Associação Despertar do Silêncio - Associação de Surdos da Guarda
Associação Dom Maior
Associação dos Amigos da Pessoa Especial Limiana
Associação Equiterapêutica do Porto e Matosinhos
Associação Integrated Dreams
Associação IPAFASIA
Associação Jorge Pina
Associação José Santos
Associação Mellitus Criança
Associação Olhar 21
Associação PARA - Projeto de Apoio e Recursos para o Autismo
Associação Portas Pra Vida - Associação de Pais e Amigos do Cidadão Deficiente do Agrupamento de Concelhos do Vale Douro-Sul

Associação Portuguesa de Surf Adaptado
Associação Portuguesa Voz do Autista
Associação Rising Child
Associação Rumo à Vida
Associação Salvador
Associação Síndrome de Dravet - Portugal
Associação Síndrome de Prader Willi
Associação Social Cultural e Desportiva Os Trovões
Associação Valecambrense de Pais e Amigos do Cidadão Deficiente
Associação Vidas Alegres
Associação Vila com Vida - A Mais Valia na Diferença
Associação 29 de Abril
ASSOL – Associação de Solidariedade Social de Lafões
ASTA – Associação Sócio-Terapêutica de Almeida
AVI - Associação Vida Independente
AVISPT21 – Associação de Viseu de Portadores de Trissomia 21
A2I - Associação para a Inclusão e Independência das Pessoas com Deficiência
A2000 - Associação 2000 de Apoio ao Desenvolvimento
Bengala Mágica - Associação de Pais, Amigos e Familiares de Crianças, Jovens e Adultos Cegos e de Baixa Visão
BIPP - Banco de Informação de Pais para Pais
BRICARE - Associação de Pessoas com Deficiência, Pais e Amigos
CADIn - Centro de Apoio ao Desenvolvimento Infantil
Casa João Cidade - Comunidade Sócio Terapêutica
Casa Santa Isabel - Casa de Santa Isabel - Instituto de Pedagogia Curativa e Socioterapia
CASCI – Centro de Acção Social do Concelho de Ílhavo
CASL - Casa de Acolhimento Sol Nascente
Cavalo - Azul Associação de Famílias Solidárias com a Deficiência
CDC APPACDM VN Gaia - Clube Desportivo e Cultural da APPACDM Vila Nova de Gaia
CECD - Mira Sintra, CRL
CEDEMA - Associação de Pais e Amigos dos Deficientes Mentais Adultos
CEEONINHO - Centro de Educação Especial do Concelho de Rio Maior "O Ninho"
CEERDL – Centro de Educação Especial Rainha Dona Leonor, CRL
CEERIA - Centro de Educação Especial, Reabilitação e Integração de Alcobaça
CERCI Flor da Vida - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas, CRL
CERCI São João da Madeira - Cooperativa para a Educação e Reabilitação de Cidadãos com Incapacidades, C.R.L
CERCIAG - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas de Águeda

CERCIAGO - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas de Sines e Santiago do Cacém

CERCIAMA - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas da Amadora

CERCIAZ - Centro de Recuperação de Crianças Deficientes e Inadaptadas de Oliveira de Azeméis

CERCIBEJA - Cooperativa para a Educação, Reabilitação, Capacitação e Inclusão de Beja, CRL

CERCIBRAGA - Cooperativa de Educação e Reabilitação de Cidadãos com Incapacidades de Braga

CERCICA - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas de Cascais

CERCICAPER - Cooperativa de Educação e Reabilitação de Cidadãos Inadaptados de Castanheira de Pera

CERCICHAVES - Cooperativa de Educação e Reabilitação de Cidadãos com Incapacidade, CRL

CERCICOA - Cooperativa de Educação e Reabilitação de Crianças Inadaptadas e Solidariedade Social de Almodôvar, Castro Verde e Ourique

CERCIDiana - Cooperativa para a Educação e Reabilitação e Inserção de Cidadãos Inadaptados de Évora

CERCIESPINHO - Cooperativa de Educação e Reabilitação do Cidadão Inadaptado de Espinho

CERCIESTA - Cooperativa para a Educação e Reabilitação de Cidadãos Inadaptados de Estarreja, CRL

CERCIEstremoz - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas

CERCIFAFE - Cooperativa para a Educação e Reabilitação e Inserção de Cidadãos Inadaptados de Fafe

CERCIFEIRA - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas da Feira

CERCIG - Cooperativa de Educação e Reabilitação de Cidadãos Inadaptados da Guarda

CERCIGUI - Cooperativa de Educação e Reabilitação de Cidadãos Inadaptados de Guimarães

CERCILEI - Cooperativa de Ensino e Reabilitação de Cidadãos Inadaptados de Leiria

CERCILISBOA - Cooperativa de Ensino e Reabilitação de Cidadãos Inadaptados de Lisboa

CERCIMA - Cooperativa para a Educação e Reabilitação de Cidadãos Inadaptados do Montijo e Alcochete

CERCIMAC - Cooperativa de Ensino e Reabilitação de Cidadãos Inadaptados de Macedo de Cavaleiros

CERCIMARANTE - Cooperativa para a Educação e Reabilitação de Cidadãos com Incapacidade, CRL

CERCIMARCO - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas de Marco de Canavese

CERCIMB - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas da Moita e Barreiro

CERCIMIRA - Cooperativa para a Educação e Reabilitação de Cidadãos Inadaptados de Mira

CERCIMONT - Cooperativa de Educação, Reabilitação, Capacitação e Inclusão de Montalegre, CRL

CERCIMOR - Cooperativa para a Educação, Reabilitação, Capacitação e Inclusão de Montemor – o - Novo, CRL

CERCINA – Cooperativa de Ensino e Reabilitação de Crianças Inadaptadas da Nazaré

CERCIOEIRAS - Cooperativa de Educação e Reabilitação de Cidadãos com Incapacidade, CRL

CERCIPENELA - Cooperativa para a Educação e Reabilitação de Crianças Inadaptadas de Penela

CERCIPENICHE - Cooperativa de Educação e Reabilitação de Cidadãos Inadaptados de Peniche

CERCIPOM - Cooperativa de Ensino e Reabilitação de Cidadãos Inadaptados de Pombal

CERCIPortalegre - Cooperativa de Educação e Reabilitação de Cidadãos com Incapacidade de Portalegre

CERCIPOVOA - Cooperativa de Educação e Reabilitação de Cidadãos Inadaptados, CRL

CERCISA - Cooperativa para Educação e Reabilitação de Cidadãos Inadaptados de Seixal e Almada

CERCITEJO - Cooperativa de Educação e Reabilitação de Crianças Inadaptadas de Alverca

CERCITOP - Cooperativa de Educação e Reabilitação de Crianças Inadaptadas de Sintra

CERCIZIMBRA - Cooperativa de Educação e Reabilitação de Crianças Inadaptadas de Sesimbra

CERE - Centro de Ensino e Recuperação do Entroncamento

CIRE - Centro de Integração e Reabilitação de Tomar

CNAD – Cooperativa Nacional de Apoio a Deficientes

CNOD – Confederação Nacional de Organizações de Pessoas com Deficiência

COOP 21 Especial - Cooperativa para o Desenvolvimento Psicossocial de Crianças com Necessidades Especiais, CRL

CoopCuidar - Cooperativa Para o Desenvolvimento e Apoio Bio-Psico-Social Do Portador De Deficiência,

Cooperativa de Solidariedade Social, CRL

Cooperativa FOCUS, CRL

CPC Beja - Centro de Paralisia Cerebral de Beja

CREACIL - Cooperativa de Reabilitação, educação e Animação para a Comunidade Integrada do Concelho de Loures

CRIA - Centro de Reabilitação Infantil de Abrantes
CRIAL - Centro de Recuperação Infantil de Almeirim
CRIB - Centro de Reabilitação Infantil de Benavente
CRIC - Centro de Reabilitação e Integração de Coruche
CRID - Centro de Reabilitação e Integração de Deficientes
CRIF - Centro de Recuperação Infantil de Fatima
CRIFZ - Centro de Reabilitação e Integração de Ferreira do Zêzere
CRINABEL - Cooperativa de Solidariedade Social e Ensino Especial, CRL
CRIT - Centro de Reabilitação e Integração Torrejano
Dar Resposta - Associação de Pais e Amigos de Cidadãos do Deficiência ou Incapacidade
Deliciosas Diferenças - Cooperativa de Responsabilidade Limitada
DOCE - Associação Nacional para Divulgar e Orientar para Combater e Enfrentar a Tay Sachs e outras Gangliosidoses
Elo Social - Associação para a Integração e Apoio ao Deficiente Mental Jovem Adulto
Emaús - Associação de Apoio ao Deficiente Mental
EMDIIP - Equipa Móvel de Desenvolvimento Infantil e Intervenção Precoce
ENCONTRAR+SE - Associação para a Promoção da Saúde Mental
EPI. APFAPE - Associação Portuguesa de Familiares Amigos e Pessoas com Epilepsia
EXISTIR – Associação para a Intervenção e Reabilitação de Pessoas Deficientes e Desfavorecidas
FAMILIARMENTE - Federação Portuguesa das Associações das Famílias de Pessoas Com Experiência de Doença Mental
FAPPC - Federação das Associações Portuguesas de Paralisia Cerebral
Federação Portuguesa das Associações de Diabéticos
FEDRA - Federação de Doenças Raras de Portugal
FENACERCI - Federação Nacional das Cooperativas de Solidariedade Social
FIBRO - Associação Barcelense de Fibromialgia e Doenças Crónicas
FNERDM - Federação Nacional de Entidades de Reabilitação de Doentes Mentais
FORMEM – Federação Portuguesa da Formação Profissional e Emprego de Pessoas com Deficiência e Incapacidade
For3VerSpecial - Associação Forheever Special
FPAS - Federação Portuguesa das Associações de Surdos
FPDA - Federação Portuguesa de Autismo
GAC - Grupo de Acção Comunitária
GIRA - Grupo de Intervenção e Reabilitação Activa, IPSS
HUMANITAS – Federação Portuguesa para a Deficiência Mental
IN - Associação para a Inclusão ao Longo da Vida
INCLUIR - Associação para a Inclusão do Cidadão com Necessidades Especiais Maria do Carmo Silva Melancia
Inovar Autismo - Associação de Cidadania e Inclusão
Instituto São João de Deus

Íris Inclusiva - Associação de Cegos e Amblíopes
LABOR - Cooperativa de Solidariedade Social
LBV - Lares da Boa Vontade - Lares Cheshire em Portugal
LEQUE - Associação de Pais e Amigos de Pessoas com Necessidades Especiais
LPCE - Liga Portuguesa contra a Epilepsia
MADI - Movimento Apoio ao Diminuído Intelectual de Vila do Conde
MADI Porto - Movimento Apoio ao Diminuído Intelectual
MAPADI - Movimento de Apoio de Pais e Amigos ao Diminuído Intelectual
MATIZ - Associação para a Promoção da Saúde Mental
MITHÓS - Associação de Apoio à Multideficiência
NECI – Núcleo de Educação da Criança Inadaptada
NOE - Novas Olimpíadas Especiais
NÓS - Associação de Pais e Técnicos para a Integração do Deficiente
NOVAMENTE - Associação de Apoio ao Traumatizado Crânio Encefálico e sua Família
OASIS - Organização de Apoio e Solidariedade para a Integração Social
Obra Social e Cultural Sílvia Cardoso
Os Malmequeres
Pais em Rede
Pais 21 - Associação de Pais e Amigos de Pessoas com Trissomia 21
Pedrinhas - Cooperativa de Solidariedade Social e Cultural, CRL
PERSONA - Associação para a Promoção da Saúde Mental
Pony Club do Porto - Associação Solidária Friends Forever
PT. AVC - União de Sobreviventes, Familiares e Amigos
Quinta Essência - Associação QE, Uma Nova Linguagem para a Incapacidade
RARÍSSIMAS - Associação Nacional de Deficiências Mentais e Raras
RECOMEÇO - Associação para a Reabilitação e Integração Social Amadora Sintra
ReCriar Caminhos - Associação de Apoio ao Desenvolvimento Vocacional, Forma - o e
Inclusão de Pessoas com Esquizofrenia
RUMO, Cooperativa de Solidariedade Social, CRL
SER IGUAL - Associação Serviços Especiais de Reabilitação e Igualdade
Somos Nós - Associação para a Autonomia e Integração de Jovens Deficientes, IPSS
SPEM - Sociedade Portuguesa de Esclerose Múltipla - National Headquarters
"Supera-te" - Cooperativa de Solidariedade Social e Serviços, CRL - IPSS
SurdiSol - União de Apoio ao Surdo e Populações Especiais
TILIASCOOP - Formação & Reabilitação Psicossocial
UNICRISANO - União dos Centros de Recuperação Infantil do Distrito de Santarém
UNIVERSAUTISTA - Associação para Jovens e Adultos
VALORIZA - Associação de Desenvolvimento Local
VÁRIOS – Cooperativa de Solidariedade Social
Vem Vencer - Associação de Apoio a Crianças Idosos e Pessoas com Deficiência
Vencer Autismo - Associação Portuguesa para Vencer o Autismo

5.5. Additional resources

- **Disability Access Bench Book (Australia).** Available at: <https://www.judicialcollege.vic.edu.au/eManuals/DABB/index.htm#59310.htm>
- **Equal Treatment Bench Book (United Kingdom).** Available at: <https://www.judiciary.uk/wp-content/uploads/2023/04/Equal-Treatment-Bench-Book-April-2023-revision-2.pdf>
- **Adult Court Bench Book and Pronouncement Builder (May 2023).** Available at: <https://www.judiciary.uk/guidance-and-resources/adult-court-bench-book-and-pronouncement-cards-2/>
- **Benchbook for U.S. District Court Judges, Sixth Edition.** Available at: <https://www.fjc.gov/content/benchbook-us-district-court-judges-sixth-edition>
- **International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020).** Available at: <https://www.ohchr.org/en/special-procedures/sr-disability/international-principles-and-guidelines-access-justice-persons-disabilities>
- **Disability-Inclusive Language Guidelines.** Available at: <https://www.ungeneva.org/sites/default/files/2021-01/Disability-Inclusive-Language-Guidelines.pdf>
- **Convention on the Rights of Persons with Disabilities — Easy Read Format.** Available at: <https://www.fenacerci.pt/docs/Convencao-NU-LF.pdf>
- **Convention on the Rights of Persons with Disabilities. Comment (Coord. Joaquim Correia Gomes, Luísa Neto, Paula Távora Vítor).** Available at: <https://impresanacional.pt/wp-content/uploads/2022/03/Convencaosobreosdireitosdaspessoascomdeficiencia.pdf?btn=red>
- **Psychological support for persons with disabilities involves: Recommendations for professional practice (Portuguese Psychological**

Association, OPP). Available at:

https://www.ordemdospsicologos.pt/ficheiros/documentos/opp_recomendacoesparapraticaprofissionalnaintervencaoopsicologicacomdeficiencia.pdf

- **Meaningful Blue:** programme designed to reduce crimes against and committed by persons with intellectual and/or multiple disabilities, while simultaneously enhancing their sense of security. Further information at: <https://www.psp.pt/Pages/atividades/programa-significativo-azul.aspx>
- **Project 12 — Justice for Children.** Available at: <https://projeto12.pt/>
- ***Report on the barriers faced by defendants with intellectual and/or psychosocial disabilities in the criminal justice system in Portugal (FENACERCI). Portuguese version and Easy Read.*** Available at: <https://www.fenacerci.pt/2023/10/27/estudo-sobre-acesso-a-justica-em-portugal-indica-obstaculos-a-pessoas-com-deficiencia-intelectual/>